



**City Council  
Successor Redevelopment Agency  
Financing Authority  
Housing Authority**

**AGENDA**

**Wednesday**

**Regular**

**Closed Session 5:30 p.m.  
Regular Session 6:00 p.m.**

**August 20, 2014**

**City Hall  
100 West California Avenue  
Ridgecrest CA 93555**

**(760) 499-5000**

**Daniel O. Clark, Mayor  
Marshall 'Chip' Holloway, Vice Mayor  
James Sanders, Council Member  
Lori Acton, Council Member  
Steven P. Morgan, Council Member**

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LAST ORDINANCE NO. 14-xx  
LAST RESOLUTION CITY COUNCIL NO. 14-82  
LAST RESOLUTION FINANCING AUTHORITY NO. 14-xx  
LAST RESOLUTION OF THE HOUSING AUTHORITY NO. 14-xx  
LAST RESOLUTION OF THE SUCCESSOR REDEVELOPMENT AGENCY NO. 14-xx

## **CITY OF RIDGECREST**

### **CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY**

#### **AGENDA**

Regular Council  
Wednesday August 20, 2014

**CITY COUNCIL CHAMBERS CITY HALL**  
100 West California Avenue  
Ridgecrest, CA 93555

**Closed Session – 5:30 p.m.**  
**Regular Session – 6:00 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**PUBLIC COMMENT – CLOSED SESSION**

**AGENDA - CITY COUNCIL - REGULAR**

**August 20, 2014**

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**CLOSED SESSION**

- GC54956.8 Local Agency Real Property Negotiations – Negotiations For Lease Or Purchase – Leroy Jackson Park – Agency Negotiators City Manager Dennis Speer And Parks Supervisor Jason Patin
- GC54956.9(d)(4) Conference With Legal Counsel – Existing Litigation – City Of Ridgecrest v. William Dale Howard
- GC54956.9(d)(4) Conference With Legal Counsel - 21<sup>st</sup> Century Insurance Company v. City of Ridgecrest, Los Angeles Superior Court Case No. 14K10447

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORT**

- Closed Session
- Other

**PUBLIC COMMENT**

**PRESENTATIONS**

1. Fresno State Economic Development Presentation Speer
2. Presentation To Council From Parks And Recreation Division Paton

**CONSENT CALENDAR**

3. Approval By Minute Motion Of Designation Of Authorizing Agents For California Emergency Management Agency To Obtain Federal Financial Assistance Speer
4. Approve A Resolution To Amend The Professional Services Agreement With The Engineer Of Record, Mark Thomas & Company, For Right Of Way Acquisition And Surveying Of The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Approve The Amendment Speer
5. A Resolution Formally Approving A Vendor Solicitation Policy And Procedure For The City Of Ridgecrest Speer

**AGENDA - CITY COUNCIL - REGULAR**

August 20, 2014

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6. Approve A Resolution Approving The City's Appropriations Limit Of \$19,667,895 For Fiscal Year 2014-15 (GANN Limit) McQuiston
7. Approve A Resolution Authorizing A Proclamation For Linda Estrada Holloway
8. Approval Of Draft Minutes Of The Ridgcrest City Council/Successor Redevelopment/Financing Authority/Housing Authority Minutes For Meeting Date August 6, 2014 Ford

**ORDINANCES**

9. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgcrest Amending The Ridgcrest Municipal Code As It Relates To Conflict Of Interest Lemieux

**COMMITTEE REPORTS**

**Activate Community Talents And Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Jim Sanders, Dan Clark  
Meetings: 3<sup>rd</sup> Tuesday of the Month at 4:00 P.M., Kerr-McGee Center  
Next Meeting: To Be Announced

**Veterans Advisory Committee**

Members: Dan Clark  
Meetings: 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the Month At 6:00 p.m., Kerr McGee Center  
Next Meeting: To Be Announced

**Ridgcrest Area Convention And Visitors Bureau (RACVB)**

Members: Chip Holloway  
Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.  
Next Meeting: To Be Announced

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

**CITY MANAGER REPORT**

**MAYOR AND COUNCIL COMMENTS**

**ADJOURNMENT**

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## Office of Community & Economic Development



Ismael Diaz Herrera, Associate Director

[isherrera@csufresno.edu](mailto:isherrera@csufresno.edu)

(559) 278-0519

## Economic Development

- Economic Means Household
- Development Means Better

Economic + Development  
= *Better Households*

## Distinctions

- **COMMUNITY DEVELOPMENT** *is a Process for Making a Community a Better Place to Live and Work.*
- **ECONOMIC DEVELOPMENT** *is Purely and Simply the Creation of Wealth in which Community Benefits are Created.*

# **Business and Government**

**BOTH Have Roles in**

**Economic Development**

## Business

- Marshals and Mobilizes
  - Human
  - Financial
  - Physical and Natural Resources
- To Create Marketable Goods and Services

# Business Motive

PROFIT

## Government

- Influences Business Investment and Location Decisions with:
  - Taxes, Spending, and Investment Policies
  - Regulations
  - Incentives
  - Services
  - Marketing
  - *CUSTOMER SERVICE!!!!!!!!!!!!*

## Government Motive

- Jobs (employment)
- Revenues (increased taxes and reduced expenditures)
- A Healthy Community
- Quality of Life (schools, shopping, housing, safety)

## **Important Fact to Remember**

Government Does Not  
Create Jobs ...

**BUSINESSES DO!**

**We are Facilitators**

## Six Ways to Create New Wealth

1. **Attract** *New Exporters*
2. **Expand** *Existing Exporters*
3. **Create** *Local Exporters*
4. **Reduce** *Outside Purchases*
5. **Attract** *New Household Income (better paying jobs)*
6. **Increase** *Worker and/or Business Productivity*

# Components of the Economic Development Strategy

- Community Assessment
- SWOT Analysis
- Target Industry Study
- Industrial Development Strategy
- Commercial Development Strategy
- Tourism Strategy

## Elements of the Strategy

- **GOALS**
  - Stated in clear, unambiguous language
  - Create no confusion regarding its meaning
- **OBJECTIVES**
  - Framework for implementation
  - Unlikely to be altered
  - Priorities for allocation of resources
  - Provide specific measurable performance standards
- **IMPLEMENTATION**
  - Connected to the goals and objectives and must recognize resource limitations
  - Included in the City's budget and operations program

## Economic Development Advisory Committee (EDAC)

- Appointed by City Council
- Members representing a broad cross-section of the City (residential, small and large industrial, school district, retail/office commercial, tourism, service groups, etc.)
- Meet 13 times over 8 months, 8 meetings, educational (no more than 2 hours per meeting)
  - 4 meetings – Strategy formation
  - 3 meetings – Recommendations and adoption

## EDAC Meetings

- Meetings 1-8 - Education
  - Topics of discussion:
  - City Government (Redevelopment/Economic Development, City Manager, City Planner, Building Official, City Engineer, Finance Director)
  - Job Generation (EDC, Other City ED)
  - Financing (local bank, SBDC, SBA Director)
  - Economic Conditions (Economist, Target Industry Consultant, sales tax auditor, local Realtor)
  - Workforce development

## EDAC Meetings

- Meeting 7-10 - Strategy formation
  - Topics for discussion
  - Retail Real Estate conditions
  - Industrial market conditions
  - Target Industry Study
- Meetings 11-13 - Adoption
  - Review and recommend Target Industry
  - Review and recommend goals and objectives for Industrial, Commercial and tourism strategy

## Target Industry Strategy

- Goals of the study
  - Identify high-value businesses
  - Prioritize target industries
  - Identify community strengths and weaknesses
  - Develop a guide for industrial attraction
  - Assess the community's competitiveness
- Positive future growth in employment
- Positive future growth in output
- Ability to generate revenue to the City
- Higher than average wages or payroll
- Compatibility with local infrastructure and resources

## THREE STRATEGIES

- Industrial Development Strategy
- Commercial Development Strategy
  - Retail
  - Office
- Tourism Strategy

## Key Issues

- Garner City Council support for the process
  - They have to buy into the process for them to accept the results
- Structure committee meetings with clear focus, agenda and time limit works best
- Economic Development is an art not a science
  - What works in one community may not work in another
- Take advantage of the experts in your community
  - City staff, Realtors, economist, banks, etc. are usually more than happy to help

## Key Issues *continued*

- Community (broad based) involvement is crucial
  - Don't leave anyone out
  - Everyone has an opinion (and some aren't bad)
  - Creates a support base to help sell future projects and programs (NIMBY fighters)
- Shut up and listen
  - Don't try to manipulate the process (too much)
  - Trust the process - if steered in the proper way, you will get the best Strategy
- **Customer Service** is the most important tool in Economic Development!!!

## Resources for Economic Development

- School District (K-12)
- Workforce Investment Boards
- Economic Development Corporations
- Community Colleges/  
Universities
- Existing Businesses (Chamber)
- Residents
- Councils of Government
- Air Pollution Control District
- Farm Bureaus
- Professional Organizations
- Commercial and Industrial brokers
- Real Estate agents
- City/County staff
- Elected officials

## Follow Up

- Continued provision of technical assistance, as needed
- Monitor progress on Goals and Objectives
- 1 Year Check-In Meeting with EDAC
- Identify funding opportunities to assist with implementation of Goals and Objectives
  - Orange Cove: USDA RBEG Grant

## East Kern County

- Participating Communities
  - 2 Cities - California City & Ridgecrest
  - 3 Census-Designated Places: Boron, Mojave & Rosamond
- Timeframe: February-September 2015
- Funding: U.S. EDA Economic Adjustment Assistance Program
  - Deadline: October 17, 2014
  - Request: \$150,000
- What we need from each Participating Community
  - Letter of Commitment
  - Any documented sources of cash or in-kind match
  - Identification of Meeting Venue



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: A Resolution Designating Authorized Agents Within the City of Ridgecrest To Act on the City's Behalf with the California Emergency Management Agency (Cal-EMA)

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

As a result of a hundred year flood event in 2008, the City of Ridgecrest incurred flood damage throughout the community and the Finance Department with the help of the Public Works Department prepared CalEMA forms documenting damage to City owned facilities.

CalEMA requires cities who participate in obtaining certain federal financial assistance under Public Law 93-288 of the Disaster Relief and Emergency Assistance Act of 1988 to list by title three authorized agents and a name and title of a governing body representative be named to file a CalEMA 130 form.

Staff is recommending that by title the City Council designates the City Manager, the Finance Director and the Chief of Police as authorized agents and that the Mayor of the City of Ridgecrest be the City's authorized representative

FISCAL IMPACT: None

Reviewed by Finance Director

ACTION REQUESTED: Adopt A Resolution Designating Authorized Agents Within the City of Ridgecrest To Act on the City's Behalf with the California Emergency Management Agency (Cal-EMA)

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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**DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE City Council OF THE City of Ridgecrest  
(Governing Body) (Name of Applicant)

THAT City Manager, OR  
(Title of Authorized Agent)  
Finance Director, OR  
(Title of Authorized Agent)  
Chief of Police  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Ridgecrest, a public entity  
(Name of Applicant)  
established under the laws of the State of California, this application and to file it with the California Emergency Management Agency for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of Ridgecrest, a public entity established under the laws of the State of California,  
(Name of Applicant)  
hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

**Please check the appropriate box below:**

- This is a universal resolution and is effective for all open and futures disasters up to three (3) years following the date of approval below.  
 This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_

Passed and approved this 20th day of August, 2014.

Mayor  
(Name and Title of Governing Body Representative)  
\_\_\_\_\_  
(Name and Title of Governing Body Representative)  
\_\_\_\_\_  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, Rachel Ford, duly appointed and City Clerk of  
(Name) (Title)  
City of Ridgecrest, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the City Council of the City of Ridgecrest  
(Governing Body) (Name of Applicant)

on the 20th day of August, 2014.

\_\_\_\_\_  
(Signature) (Title)

**Cal EMA Form 130**  
**Instructions**

**A new Designation of Applicant's Agent Resolution for Non-State Agencies is required if the previously submitted document is older than three (3) years from the last date of approval.**

When completing the Cal EMA Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

**Resolution Section:**

**Governing Body:** This is the individual or group responsible for appointing and approving the Authorized Agents. Examples include: Board of Directors, City Council, Board of Supervisors, etc.

**Name of Applicant:** This is the official name of the non-profit, agency, city, or county that has applied for the grant. Examples include: Sacramento Public Water Works; City of Sacramento; or Sacramento County.

**Authorized Agent:** These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Emergency Management Agency regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency (e.g.; City Clerk, the Authorized Agent, Secretary to the Director) and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names and titles of the Authorized Agents should be listed. A new Cal EMA Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

**Governing Body Representative:** These are the names and titles of the approving board members. Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles cannot be one of the designated Authorized Agents.

**Certification Section:**

**Name and Title:** This is the individual that was in attendance and recorded the Resolution creation and approval. Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person cannot be one of the designated Authorized Agents to eliminate "Self Certification."



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

A Resolution To Amend The Professional Services Agreement With The Engineer Of Record, Mark Thomas & Company, For Right of Way Acquisition and Surveying Of The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Approve The Amendment

**PRESENTED BY:**

Dennis Speer, Public Work Director

**SUMMARY:**

The City has been working with the engineering firm Mark Thomas & Company for the design of the West Ridgecrest Boulevard Project for the last three years. This firm is the engineering firm of record with Caltrans.

During the construction of the intersection of Downs Street and West Ridgecrest Boulevard, there was a finding of existing private ownership in the project area that constitutes the need for the acquisition of right of way from three (3) parcels near Downs Street intersection (APN's 508-020-07, 456-090-07, 477-101-07). In addition, utility easements will be required for the relocation of Southern California Edison poles on two of the three parcels.

Bender and Rosenthal has been retained by Mark Thomas and Co to perform the right of way acquisition services while Mark Thomas and Co will be responsible for the oversight of the process, handle the coordination with Southern California Edison, and prepare the plat and legal descriptions for the parcels.

The City has also asked that Mark Thomas and Co. stake an existing right of way at parcel (APN 677-090-02) to demonstrate to the property owner that the project improvements are being constructed in a manner consistent with the previous right of way acquisition on this parcel.

The fee for this work will be \$40,554.00 and come from the TAB funding allocated for the West Ridgecrest Boulevard Project by minute order on July 18, 2012 and be budgeted into line item 018-4760-430-2106 ST0101

Staff recommends that the City amends the professional services agreement with the engineer of record, Mark Thomas & Company, for right of way acquisition and surveying.

**FISCAL IMPACT: \$40,554.00**

Reviewed by Finance Director

**ACTION REQUESTED:**

Adopt A Resolution To Amend The Professional Services Agreement With The Engineer Of Record, Mark Thomas & Company, For Right of Way Acquisition and Surveying Of The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Approve The Amendment

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Karen Harker

Action Date: August 20, 2014

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**RESOLUTION NO. 14-xx**

**A RESOLUTION TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH THE ENGINEER OF RECORD, MARK THOMAS & COMPANY, FOR RIGHT OF WAY ACQUISITION AND SURVEYING OF THE WEST RIDGECREST BOULEVARD PROJECT AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO APPROVE THE AMENDMENT**

**WHEREAS**, The City has been working with the engineering firm Mark Thomas & Company for the design of the West Ridgecrest Boulevard Project for the last three years and this firm is the engineering firm of record with Caltrans; and

**WHEREAS**, During the construction of the intersection of Downs Street and West Ridgecrest Boulevard, there was a finding of existing private ownership in the project area that constitutes the need for the acquisition of right of way from three (3) parcels near Downs Street intersection; and

**WHEREAS**, utility easements will be required for the relocation of Southern California Edison poles on two of the three parcels; and

**WHEREAS**, Bender and Rosenthal has been retained by Mark Thomas and Co to perform the right of way acquisition services; and

**WHEREAS**, Mark Thomas and Co will be responsible for the oversight of the process, handle the coordination with Southern California Edison, and prepare the plat and legal descriptions for the parcels; and

**WHEREAS**, The City has also asked that Mark Thomas and Co. stake an existing right of way at parcel (APN 677-090-02) to demonstrate to the property owner that the project improvements are being constructed in a manner consistent with the previous right of way acquisition on this parcel; and

**WHEREAS**, The fee for this work will be \$40,554.00 and come from the TAB funding allocated for the West Ridgecrest Boulevard Project by minute order on July 18, 2012 and be budgeted into line item 018-4760-430-2106 ST0101.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Ridgecrest hereby:

1. Authorizes the Approval of an amendment to the Professional Services Agreement with the Consulting Firm of Mark Thomas and Co; and
2. Authorizes the Finance Director to amend the budget to reflect all appropriate expenditures, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer, to execute the amended agreement upon the city attorney's review and approval of the agreement

**APPROVED AND ADOPTED** this 20<sup>th</sup> day of August 2014 by the following vote.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Daniel O. Clark, Mayor

ATTEST:

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Rachel J. Ford, CMC, City Clerk

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## MARK THOMAS & COMPANY

Providing Engineering, Surveying & Planning Services

August 5, 2014

Mr. Loren Culp  
City of Ridgecrest  
Public Works Department  
100 West California Avenue  
Ridgecrest, CA 93555

### OFFICES

Cupertino  
Fresno  
Irvine  
Oakland  
Sacramento  
Salinas  
San Jose  
San Mateo  
Walnut Creek

**RE: PROPOSAL FOR RIGHT OF WAY ACQUISITION AND SUPPLEMENTAL TOPOGRAPHY FOR W. RIDGECREST BLVD**

Dear Mr. Culp:

Mark Thomas & Company, Inc. (MTCO) would like to thank you for the opportunity to continue to work on the West Ridgecrest Boulevard Reconstruction Project.

As discussed, findings of existing private ownership in the project constitute the need for the acquisition of right of way for 3 parcels near the Downs Street intersection (APN's 508-020-07, 456-090-07, 477-010-07). In addition, utility easements will be required for the relocation of Southern California Edison poles on two of the three parcels. Exhibit A – Appraisal Maps delineate the limit of acquisitions assumed for this scope. Bender Rosenthal has been retained by MTCO to perform the right of way acquisition services scoped below.

Mark Thomas and Company will be responsible for the oversight of the acquisition process, additional coordination with Southern California Edison, and the preparation of plat and legal descriptions for the parcels. As discussed, MTCO will try to perform this out of scope work within the existing construction support contract, however if construction support budgets are depleted, MTCO will notify the City for continued construction support funds.

Lastly, the City has asked MTCO to stake the existing right of way at the Shoemaker parcel (APN 677-090-02) to demonstrate to the property owner that the project improvements are being constructed in a manner consistent with the previous right of way acquisition on this parcel. MTCO will send survey crews to stake the existing and proposed right of way for this parcel.

The following is the proposed scope for the above mentioned items:

### SCOPE OF WORK:

#### 1.0 RIGHT OF WAY ACQUISITION SCOPE OF SERVICES

Bender Rosenthal (BRI) will provide appraisal and acquisition services in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC 4601 et seq.) and implementing regulation, 49 CFR Part 24; California Government Code Section 7267 et seq.; California Code of Civil Procedure Sections 1263.010 to 1263.620 and 1255.010 to 1255.060; Housing and Community Development Title 25; State of California, Department of Transportation, Right of Way Manual, as applicable.

BRI has included the cost for obtaining one title report in this scope.

The following are the services may be required for this project:

### 1.1 ROW MANAGEMENT

This task includes monthly schedule and progress updates, and coordination efforts with the PDT and ROW teams throughout the life of the project.

**Deliverables:**

- Bi-weekly BRI staff meetings through the appraisal and acquisition phase of the project.
- Providing progress updates to PDT and client.

### 1.2 APPRAISAL SERVICES

BRI will develop complete appraisals for the client that will state the estimated fair market value of the fee simple interest in each affected property. The appraisal reports will be summary appraisal reports that will be prepared in conformance with and subject to the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation. Jurisdictional exceptions may apply in some cases.

Plats and Legals for each of the properties to be appraised will be provided to BRI by Mark Thomas and Company. Some of the items that may affect the appraisal process include:

- Complexity of the valuation;
- Magnitude of the interests to be acquired (e.g. Temporary Construction Easements, or Permits to Enter and Construct, and Public Utility easements).
- Damage Analysis (Severance Damage, Cost to Cure, etc.)

The primary steps in completion of fair market value appraisals of the property rights to be acquired include but are not limited to the following:

- Preparation and delivery of the "Notice of Decision to Appraiser"
- Onsite physical inspection of the subject property with the owner.
- Collection of data from appropriate governmental agencies.
- Market investigation of vacant comparable data.
- Verification of market data with sources knowledgeable with the pertinent details of the transaction.
- Analysis of all appropriate data in the before and after condition to arrive at an opinion of value.
- Preparation of report.

**Deliverables:**

- Three copies of each Appraisal that meet all State and Federal Standards.
- Up to 3 Appraisal reports.

### 1.3 INDEPENDENT APPRAISAL REVIEW

Per Federal and State regulations, (Uniform Act) a qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary correction or revisions. In addition, the review appraiser shall certify that the opinion of fair market value is reasonably supported by an acceptable appraisal. BRI is pleased to include Mr. Stephen Rosenthal, MAI as the independent reviewer for the project. Mr. Rosenthal will ensure the appraisals meet all Federal and State regulations.

**Deliverables:**

- Review certification of appraisal reports on up to 3 Appraisals.

#### 1.4 ACQUISITION SERVICES

Bender Rosenthal, Inc. proposes to develop all necessary contracts, conveyance documents and escrow instructions necessary to make offers based on client's process. We will meet with the owners, and convey documents until acceptance or impasse is reached.

Steps within the acquisition process are outlined below:

1. Preparation of right-of-way contracts, deeds and other acquisition documents.
2. Meet with the property owners to discuss the project in general; review of maps and legal descriptions; confirm information about occupants/owners and make the official First Written Offer to owner. Acquire tenant consent if required.
3. Acquisition activities are generally based on settlement by the third contact and spending up to eight hours working on the parcel acquisition. Advising and making recommendations to client if *impasse* has been reached. Responding to property owner inquiries verbally and in writing within two business days.
4. Deliver signed right-of-way contract and signed and acknowledged grant deed for closed transactions.
5. Specialized acquisition services to work with and through Southern California Edison Grant Out procedures.
6. Final report, including transfer of all pertinent correspondence and files, to client.

#### Deliverables:

- Acquisition of up to 3 ownerships.

#### 1.5 TRAVEL TIME

Time included in this task shall be used for travel expenses to/from the project site for the purpose of coordinating with property owners or the client. This also includes the travel time for task 2.1 below.

#### 2.0 SUPPLEMENTAL SURVEY WORK

MTCO will perform the supplemental survey work requested by the City as outlined below:

#### 2.1 PROPERTY LINE LAYOUT

This Task is to help in the determination of the existing right of way line relative to the proposed project improvements. MTCO will layout the north right of way line of the Shoemaker property APN 477-090-02.

The scope includes:

- CAD Survey Work (2 hours)
- Travel Time (7 Hours)
- Property Line Layout (2 hours)

**FEE:**

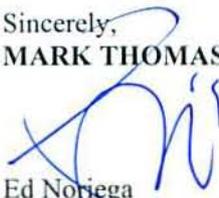
The proposed scope shall be provided on a Time and Materials basis not to exceed \$40,554. The major tasks and fee are as follows:

1.1	ROW Management	\$ 5,670
1.2	Appraisal Services	\$ 13,230
1.3	Independent Appraisal Review	\$ 5,040
1.4	Acquisition Services	\$10,080
1.5	Travel Time	\$3,991
2.1	Property Line Layout	\$694
	<u>Reimbursables (5%)</u>	<u>\$1,849</u>
	<b>Total Fee</b>	<b>\$40,554</b>

For a breakdown of the fee proposal, please attached Exhibit B.

If you have any questions, please contact me at (559) 447-1938. Thank you for the opportunity to continue working with you.

Sincerely,  
**MARK THOMAS & COMPANY, INC.**



Ed Noriega  
Division Manager - Fresno

**Exhibit A – Appraisal Maps**



- ENCUMBERED AREA 1,983± SF
- EASEMENT TAKE FOR SOUTHERN CALIFORNIA EDISON (SCE) POLE 80± SF
- PROPOSED RIGHT-OF-WAY TAKE 11,756± SF

S89°52'42"W 298.05'

THE SE 1/4 OF  
THE SE 1/4 OF  
THE SE 1/4 OF  
THE SE 1/4 OF  
SECTION 32 T.26S.-R.40E.  
M.D.B.M.

HOWARD  
APN: 456-090-07  
1.75 ACRES OLD  
1.43 ACRES REMAINDER

EXISTING 10'  
SCE EASEMENT

NEW R/W

33'  
EXIST  
R/W

NORTH DOWNS STREET

55'  
R/W

N00°00'08"E 20.00'  
80± SF

N89°52'17"E 256.02'

S89°52'17"W 298.02'

55'  
R/W

RIDGECREST BOULEVARD

NEW R/W

S89°52'17"W

85'  
EXIST  
R/W

30'  
EXIST  
R/W

32 33  
5 4

<b>DRAWING</b>	<b>SCALE</b>	<b>W. RIDGECREST BLVD RECONSTRUCTION APPRAISAL MAP</b>	 <small>MARK THOMAS &amp; COMPANY, INC.</small> <small>Providing Engineering, Surveying and Planning Services</small>	<b>PREPARED BY</b>	<b>DATE</b>
1 OF 1	HORIZONTAL: 1" = 60' VERTICAL: —	CITY OF RIDGECREST KERN COUNTY, CA	7571 N. REMINGTON AVE, SUITE 102 FRESNO, CALIFORNIA 93711 (559) 447-1938 WWW.MARKTHOMAS.COM	DESIGNED BY: _____ DRAWN BY: CWL CHECKED BY: GLR	7/9/2014 7/9/2014

WEST RIDGECREST BOULEVARD

32 33

5 4

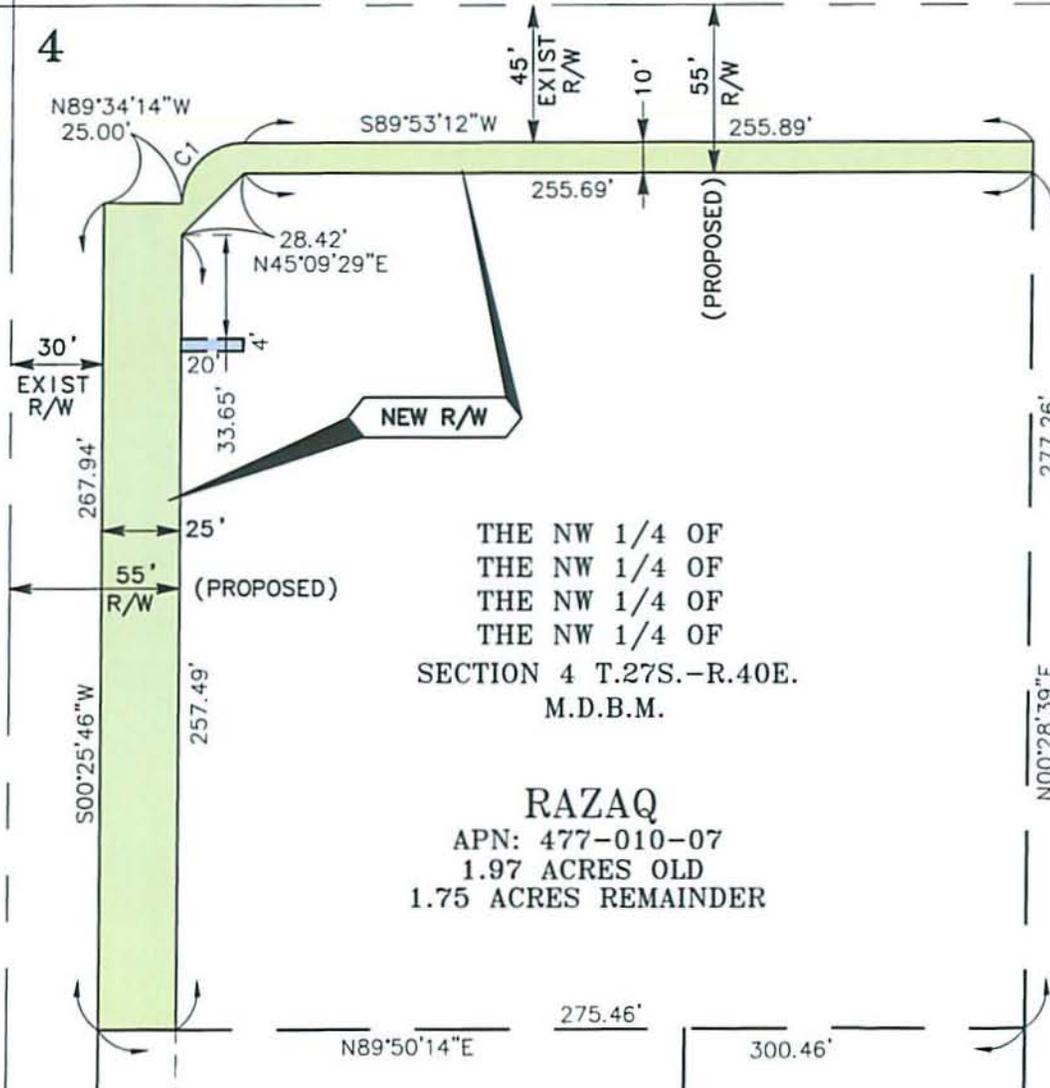
NORTH DOWNS STREET



-  EASEMENT TAKE FOR SOUTHERN CALIFORNIA EDISON (SCE) POLE 80± SF
-  PROPOSED RIGHT-OF-WAY TAKE 9,568± SF

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	31.23'	20.00'	89°27'25"



THE NW 1/4 OF  
 THE NW 1/4 OF  
 THE NW 1/4 OF  
 THE NW 1/4 OF  
 SECTION 4 T.27S.-R.40E.  
 M.D.B.M.

**RAZAQ**  
 APN: 477-010-07  
 1.97 ACRES OLD  
 1.75 ACRES REMAINDER

DRAWING  1 OF 1	SCALE HORIZONTAL: 1" = 60' VERTICAL: _____	W. RIDGECREST BLVD RECONSTRUCTION APPRAISAL MAP  CITY OF RIDGECREST	 MARK THOMAS & COMPANY, INC. Providing Appraisal, Mapping and Planning for Over 7571 N. REMINGTON AVE., SUITE 102 FRESNO, CALIFORNIA 93711 (559) 447-1938 WWW.MARKTHOMAS.COM	PREPARED BY	DATE
	DESIGNED BY: _____ DRAWN BY: CWL CHECKED BY: GLR			7/23/14 7/23/14	

WEST RIDGECREST BOULEVARD 32 33

5 4

55'  
R/W

S89°52'17"W 208.69'  
183.72'

NEW R/W

THE NE 1/4 OF  
THE NE 1/4 OF  
THE NE 1/4 OF  
THE NE 1/4 OF  
SECTION 5 T.27S.-R.40E.  
M.D.B.M.

SOUTHERN CALIFORNIA EDISON  
APN: 508-020-07  
1.00 ACRES OLD  
0.88 ACRES REMAINDER

208.72'

S00°25'46"W

S89°52'17"W 183.72'  
208.72'

208.72'

S00°25'46"W

208.72'

S00°25'46"W

55'  
R/W (PROPOSED)

25'

30'  
EXIST  
R/W

NORTH DOWNS STREET



PROPOSED RIGHT-OF-WAY TAKE  
5,218± SF

DRAWING	SCALE	<b>W. RIDGECREST BLVD RECONSTRUCTION APPRAISAL MAP</b>  CITY OF RIDGECREST                      KERN COUNTY, CA	 <b>MARK THOMAS &amp; COMPANY, INC.</b> Real Estate Appraisal, Surveying and Planning Services 7571 N. REMINGTON AVE., SUITE 102 FRESNO, CALIFORNIA 93711 (559) 447-1938 WWW.MARKTHOMAS.COM	PREPARED BY	DATE
1 OF 1	HORIZONTAL: 1" = 60' VERTICAL: _____			DESIGNED BY: _____ DRAWN BY: KPS CHECKED BY: GLR	8/1/14 8/1/14

## **Exhibit B – Fee Proposal**

### 1.1 ROW MANAGEMENT

This task includes monthly schedule and progress updates, and coordination efforts with the PDT and ROW teams throughout the life of the project.

#### Deliverables:

- Bi-weekly BRI staff meetings through the appraisal and acquisition phase of the project.
- Providing progress updates to PDT and client.

### 1.2 APPRAISAL SERVICES

BRI will develop complete appraisals for the client that will state the estimated fair market value of the fee simple interest in each affected property. The appraisal reports will be summary appraisal reports that will be prepared in conformance with and subject to the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation. Jurisdictional exceptions may apply in some cases.

Plats and Legals for each of the properties to be appraised will be provided to BRI by Mark Thomas and Company. Some of the items that may affect the appraisal process include:

- Complexity of the valuation;
- Magnitude of the interests to be acquired (e.g. Temporary Construction Easements, or Permits to Enter and Construct, and Public Utility easements).
- Damage Analysis (Severance Damage, Cost to Cure, etc.)

The primary steps in completion of fair market value appraisals of the property rights to be acquired include but are not limited to the following:

- Preparation and delivery of the "Notice of Decision to Appraiser"
- Onsite physical inspection of the subject property with the owner.
- Collection of data from appropriate governmental agencies.
- Market investigation of vacant comparable data.
- Verification of market data with sources knowledgeable with the pertinent details of the transaction.
- Analysis of all appropriate data in the before and after condition to arrive at an opinion of value.
- Preparation of report.

#### Deliverables:

- Three copies of each Appraisal that meet all State and Federal Standards.
- Up to 3 Appraisal reports.

### 1.3 INDEPENDENT APPRAISAL REVIEW

Per Federal and State regulations, (Uniform Act) a qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary correction or revisions. In addition, the review appraiser shall certify that the opinion of fair market value is reasonably supported by an acceptable appraisal. BRI is pleased to include Mr. Stephen Rosenthal, MAI as the independent reviewer for the project. Mr. Rosenthal will ensure the appraisals meet all Federal and State regulations.

#### Deliverables:

- Review certification of appraisal reports on up to 3 Appraisals.

#### 1.4 ACQUISITION SERVICES

Bender Rosenthal, Inc. proposes to develop all necessary contracts, conveyance documents and escrow instructions necessary to make offers based on client's process. We will meet with the owners, and convey documents until acceptance or impasse is reached.

Steps within the acquisition process are outlined below:

1. Preparation of right-of-way contracts, deeds and other acquisition documents.
2. Meet with the property owners to discuss the project in general; review of maps and legal descriptions; confirm information about occupants/owners and make the official First Written Offer to owner. Acquire tenant consent if required.
3. Acquisition activities are generally based on settlement by the third contact and spending up to eight hours working on the parcel acquisition. Advising and making recommendations to client if *impasse* has been reached. Responding to property owner inquiries verbally and in writing within two business days.
4. Deliver signed right-of-way contract and signed and acknowledged grant deed for closed transactions.
5. Specialized acquisition services to work with and through Southern California Edison Grant Out procedures.
6. Final report, including transfer of all pertinent correspondence and files, to client.

#### Deliverables:

- Acquisition of up to 3 ownerships.

#### 1.5 TRAVEL TIME

Time included in this task shall be used for travel expenses to/from the project site for the purpose of coordinating with property owners or the client. This also includes the travel time for task 2.1 below.

#### 2.0 SUPPLEMENTAL SURVEY WORK

MTCO will perform the supplemental survey work requested by the City as outlined below:

#### 2.1 PROPERTY LINE LAYOUT

This Task is to help in the determination of the existing right of way line relative to the proposed project improvements. MTCO will layout the north right of way line of the Shoemaker property APN 477-090-02.

The scope includes:

- CAD Survey Work (2 hours)
- Travel Time (7 Hours)
- Property Line Layout (2 hours)

**FEE:**

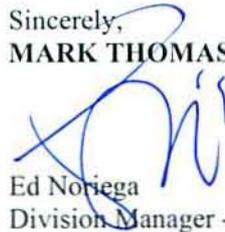
The proposed scope shall be provided on a Time and Materials basis not to exceed \$40,554. The major tasks and fee are as follows:

1.1	ROW Management	\$ 5,670
1.2	Appraisal Services	\$ 13,230
1.3	Independent Appraisal Review	\$ 5,040
1.4	Acquisition Services	\$10,080
1.5	Travel Time	\$3,991
2.1	Property Line Layout	\$694
	<u>Reimbursables (5%)</u>	<u>\$1,849</u>
	<b>Total Fee</b>	<b>\$40,554</b>

For a breakdown of the fee proposal, please attached Exhibit B.

If you have any questions, please contact me at (559) 447-1938. Thank you for the opportunity to continue working with you.

Sincerely,  
**MARK THOMAS & COMPANY, INC.**



Ed Noriega  
Division Manager - Fresno

**Exhibit A – Appraisal Maps**



- ENCUMBERED AREA 1,983± SF
- EASEMENT TAKE FOR SOUTHERN CALIFORNIA EDISON (SCE) POLE 80± SF
- PROPOSED RIGHT-OF-WAY TAKE 11,756± SF

S89°52'42"W 298.05'

THE SE 1/4 OF  
THE SE 1/4 OF  
THE SE 1/4 OF  
THE SE 1/4 OF  
SECTION 32 T.26S.-R.40E.  
M.D.B.M.

HOWARD  
APN: 456-090-07  
1.75 ACRES OLD  
1.43 ACRES REMAINDER

EXISTING 10'  
SCE EASEMENT

NEW R/W

33'  
EXIST  
R/W

NORTH DOWNS STREET

55'  
R/W

N00°00'08"E 20.00'  
80± SF

N89°52'17"E 256.02'

S89°52'17"W 298.02'

55'  
R/W

RIDGECREST BOULEVARD

NEW R/W

S89°52'17"W

85'  
EXIST  
R/W

30'  
EXIST  
R/W

32 33  
5 4

<b>DRAWING</b>	<b>SCALE</b>	<b>W. RIDGECREST BLVD RECONSTRUCTION APPRAISAL MAP</b>	<b>MARK THOMAS &amp; COMPANY, INC.</b> <small>Providing Engineering, Surveying and Planning Services</small>	<b>PREPARED BY</b>	<b>DATE</b>
1 OF 1	HORIZONTAL: 1" = 60' VERTICAL: —			CITY OF RIDGECREST	KERN COUNTY, CA
				DRAWN BY: CWL	7/9/2014
				CHECKED BY: GLR	7/9/2014

WEST RIDGECREST BOULEVARD

32 33

5 4

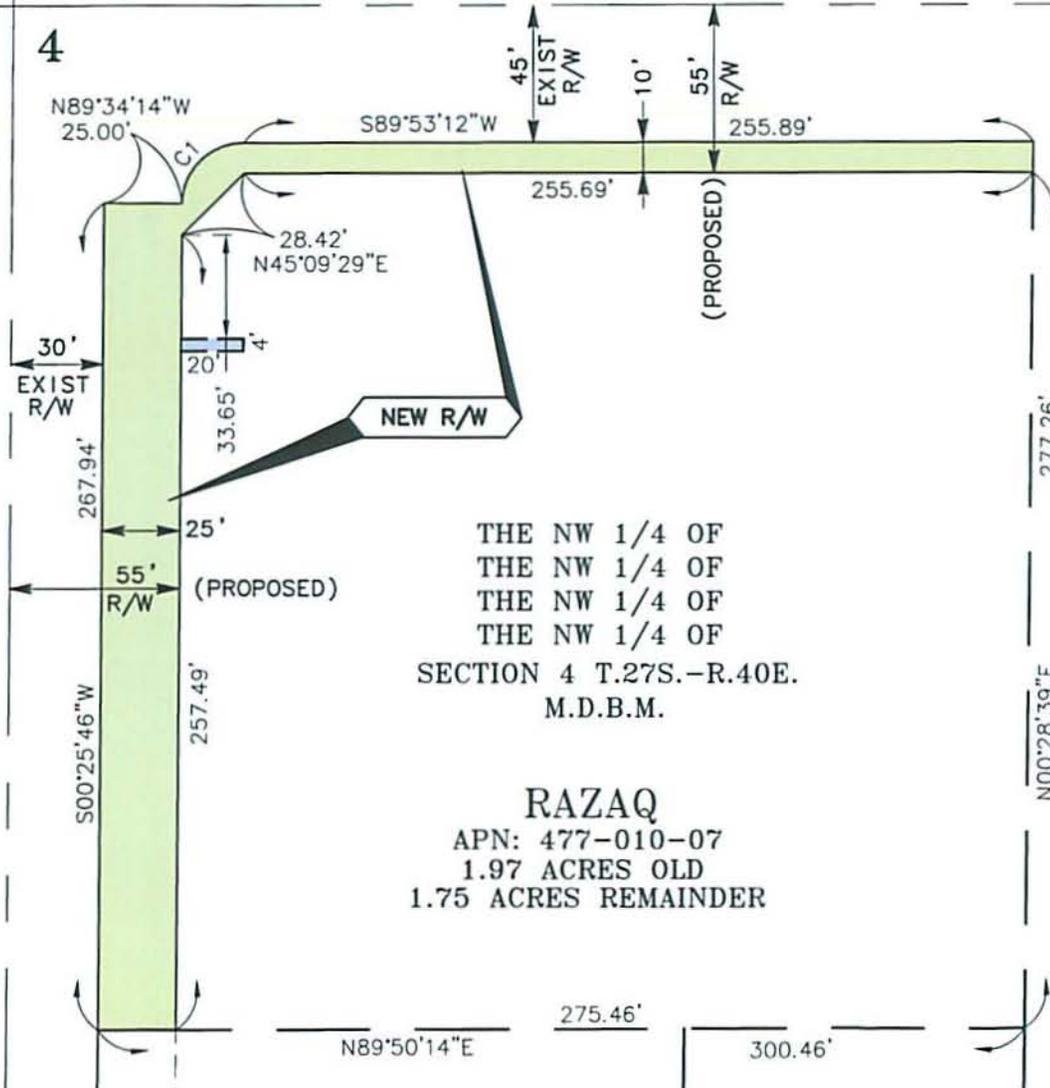
NORTH DOWNS STREET



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-  PROPOSED RIGHT-OF-WAY TAKE 9,568± SF

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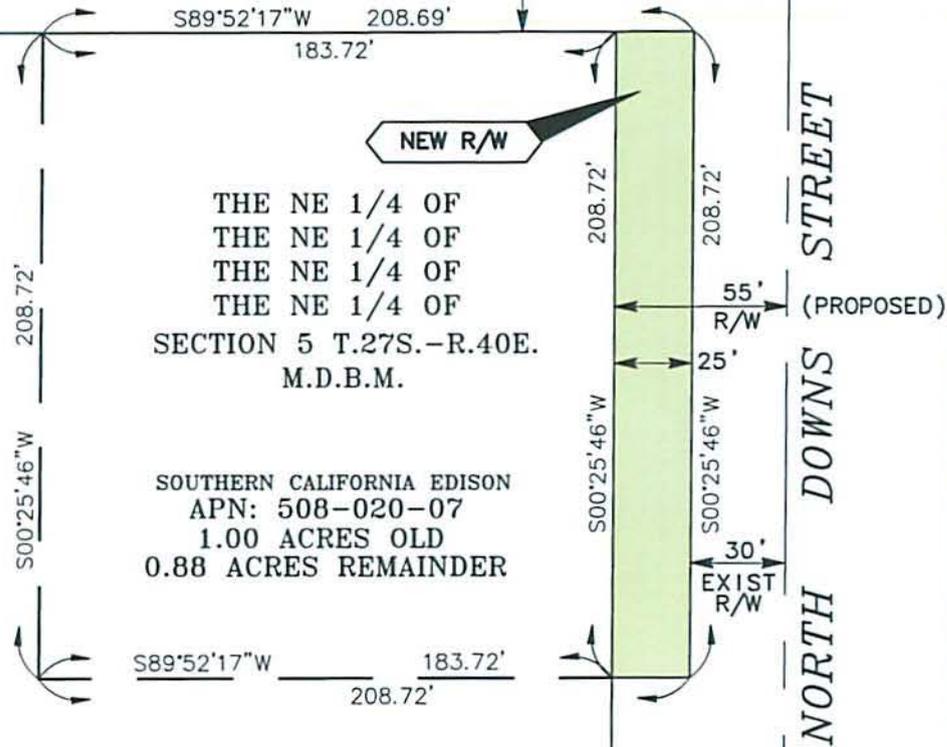
**RAZAQ**  
 APN: 477-010-07  
 1.97 ACRES OLD  
 1.75 ACRES REMAINDER

DRAWING  1 OF 1	SCALE HORIZONTAL: 1" = 60' VERTICAL: _____	W. RIDGECREST BLVD RECONSTRUCTION APPRAISAL MAP  CITY OF RIDGECREST	 MARK THOMAS & COMPANY, INC. Providing Appraisal, Surveying and Planning Services 7571 N. REMINGTON AVE., SUITE 102 FRESNO, CALIFORNIA 93711 (559) 447-1938 WWW.MARKTHOMAS.COM	PREPARED BY	DATE
	DESIGNED BY: _____ DRAWN BY: CWL CHECKED BY: GLR			7/23/14 7/23/14	

WEST RIDGECREST BOULEVARD 32 33

5 4

55'  
R/W



THE NE 1/4 OF  
 THE NE 1/4 OF  
 THE NE 1/4 OF  
 THE NE 1/4 OF  
 SECTION 5 T.27S.-R.40E.  
 M.D.B.M.

SOUTHERN CALIFORNIA EDISON  
 APN: 508-020-07  
 1.00 ACRES OLD  
 0.88 ACRES REMAINDER



PROPOSED RIGHT-OF-WAY TAKE  
 5,218± SF

DRAWING	SCALE	<b>W. RIDGECREST BLVD RECONSTRUCTION                  APPRAISAL MAP</b>  CITY OF RIDGECREST                      KERN COUNTY, CA	 <b>MARK THOMAS &amp; COMPANY, INC.</b> Real Estate Appraisal, Surveying and Planning Services 7571 N. REMINGTON AVE., SUITE 102 FRESNO, CALIFORNIA 93711 (559) 447-1938 WWW.MARKTHOMAS.COM	PREPARED BY	DATE
1 OF 1	HORIZONTAL: 1" = 60' VERTICAL: _____			DESIGNED BY: _____ DRAWN BY: KPS CHECKED BY: GLR	8/1/14 8/1/14

## **Exhibit B – Fee Proposal**

**EXHIBIT B**

Acquisition Services and Additional Survey Work for City of Ridgecrest - W. Ridgecrest Blvd Reconstruction													
PROJECT TASK	Mark Thomas & Company Inc.					Mark Thomas & Company Inc.				Bender Rosenthal	Subconsultant Markup 5%	TOTAL	
	Engineering Manager	Project Surveyor	2 Man Survey Crew	Project Engineer	SUBTOTAL	Engineering Manager	Project Surveyor	2 Man Survey Crew	Project Engineer				MTCO Subtotal
						\$ 210.00	\$ 121.00	\$ 226.00	\$ 138.00				
<b>A. Right of Way Acquisition</b>													
1.1 ROW Management											\$5,400	\$270	\$5,670
1.2 Appraisal Services											\$12,600	\$630	\$13,230
1.3 Independent Appraisal Review											\$4,800	\$240	\$5,040
1.4 Acquisition Services											\$9,600	\$480	\$10,080
1.5 Travel Time			7		7			\$1,582		\$1,582	\$2,294	\$115	\$3,991
<b>Subtotal Task A</b>			7		7			\$1,582		\$1,582	\$34,694	\$1,735	\$38,011
<b>B. Supplemental Survey Work</b>													
2.1 Property Line Layout		2	2		4			\$242	\$452	\$694			\$694
<b>Subtotal Task B</b>		2	2		4			\$242	\$452	\$694			\$694
Reimbursable (5%)										\$114	\$1,735		\$1,849
<b>CONTRACT SERVICES TOTAL</b>		2	9		11			\$242	\$2,034	\$2,390	\$36,429	\$1,735	\$40,554

**5**

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

<b>SUBJECT:</b> Approval of a Vendor Solicitation Policy and Procedure
<b>PRESENTED BY:</b> Dennis Speer, City Manager
<b>SUMMARY:</b>  Council Members often are approached directly by vendors soliciting the sale of their products or services. This may place Council Members in an awkward position when proposals or bids are invited for a similar products or services later. It also can create undue pressure on staff to unnecessarily research and analyze products and services neither beneficial nor needed at that point in time. To allay these concerns, staff developed a policy and procedure for City Council approval. The proposed policy is as follows: <ol style="list-style-type: none"><li>1. When a Council Member is approached by a vendor, the Council Member refers the vendor directly to the City Manager.</li><li>2. The City Manager determines which department(s) may be interested in the solicitation and forwards any vendor information to the Department Head.</li><li>3. The Department Head reviews the information and discusses it with the City Manager.</li><li>4. If there is a need for the 'goods or services', staff, following established procurement policies, will bring it back to Council.</li><li>5. If it is returned to Council, the Council may take the appropriate dispositive action on the matter.</li></ol> This procedure avoids any unnecessary contact between Council Members and vendors; reduces the risk of conflict of interest; lessens any negative perceptions pertaining to the procurement process; allows staff to objectively review the proposal from a professional standpoint; and decreases the amount of staff time needed to consider the proposal.  The Staff recommendation is for the Council to approve this policy and procedure pertaining to vendor solicitation.
<b>FISCAL IMPACT:</b> N/A
Reviewed by Finance Director
<b>ACTION REQUESTED:</b> Adopt the Resolution that Approves the Vendor Solicitation Policy and Procedure
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested:

Submitted by: Dennis Speer  
(Rev. 02/13/12)

Action Date: August 20, 2014

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**RESOLUTION NO. 14-XX**

**A RESOLUTION FORMALLY APPROVING A VENDOR SOLICITATION POLICY AND PROCEDURE FOR THE CITY OF RIDGECREST**

**WHEREAS**, the City Council Members often are approached directly by vendors soliciting the sale of their products or services, and

**WHEREAS**, this may place Council Members in an awkward position when proposals or bids are invited for a similar products or services later, and

**WHEREAS**, it also can create undue pressure on staff to unnecessarily research and analyze products and services neither beneficial nor needed at that point in time., and

**WHEREAS**, this procedure avoids any unnecessary contact between Council Members and vendors and allays these concerns.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Ridgcrest hereby approves the Vendor Solicitation Policy and Procedure as stated below:

1. When a Council Member is approached by a vendor, the Council Member refers the vendor directly to the City Manager.
2. The City Manager determines which department(s) may be interested in the solicitation and forwards any vendor information to the Department Head.
3. The Department Head reviews the information and discusses it with the City Manager.
4. If there is a need for the 'goods or services', staff, following established procurement policies, will bring it back to Council.
5. If it is returned to Council, the Council may take the appropriate dispositive action on the matter.

**APPROVED AND ADOPTED** this 20<sup>th</sup> day of August 2014 by the following vote:

AYES:

NOES:

ABSTAIN

ABSENT

---

Daniel O. Clark, Mayor

ATTEST

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Rachel J. Ford, CMC  
City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY**  
**FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

A RESOLUTION TO ESTABLISH THE APPROPRIATION LIMIT FOR FISCAL YEAR 2014/2015 AND DETERMINING COMPLIANCE WITH GOVERNMENT CODE SECTION 7910.

**PRESENTED BY:**

Rachelle McQuiston, Finance Director/Agency Treasurer

**BACKGROUND:**

In November of 1979, the voters of California passed Proposition IV which specified that government appropriations may increase annually by a factor comprised of change in population combined with either the Consumer Price Index (CPI) or the change in the per capita personal income. This measure was intended to provide citizen control of government spending and taxation.

The adoption of the Gann Appropriation Limit is an annual requirement. The City of Ridgecrest's Gann Limit is currently calculated to be \$19,667,895. The General Fund tax proceeds subject to the Gann Limit are estimated to be \$10,355,298. Consistent with previous budget years, the City of Ridgecrest is well within the appropriations limit for Fiscal Year 2014/2015.

**ANALYSIS:**

The Gann limit calculation begins with the total forecasted General Fund revenues for Fiscal Year 2014/2015. Of the total forecasted revenues, revenue "proceeds" and "non-proceeds" are summarized in separate columns. Revenue proceeds are those revenue sources that are subject to the Gann Limit including most tax measures and intergovernmental revenue. Non-proceed revenues include most local fees, fines, and permits and are not subject to the Gann Limit.

Total General Fund revenues for Fiscal Year 2014/2015 are forecasted to be \$14,760,708. Of the \$14,760,708 amount, \$10,355,298 is calculated to be proceeds revenues or revenues subject to the Gann Limit and \$4,405,410 is calculated to be non-proceed revenue not subject to the Gann Limit.

The Council adopted Gann Limit for Fiscal Year 2013/2014 was \$18,405,495. Each year, the City is required to adjust Ridgecrest's Gann Limit by both the prior year per capita personal income increment and the prior year change in population. This information is received from the State Department of Finance (please see the attached letter). The Fiscal Year 2014/2015 Gann Limit was adjusted by a per capita personal increment factor of .9977 and a population change factor of 1.0075. The Fiscal Year 2014/2015 Gann Limit is calculated to be \$19,667,895.

The forecasted General Fund proceed revenues subject to the Gann Limit is \$10,355,298, leaving \$9,312,597 (\$19,667,895 - \$10,355,298) of unused appropriation limit. As you can see, Ridgecrest is well within the Gann Limit.

**FISCAL IMPACT:** None

Reviewed by Finance Director

**ACTION REQUESTED:**

Approval of the attached resolution

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Rachelle McQuiston, Finance Director

Action Date: 08/19/2014

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**RESOLUTION NO. 14-XX**

**RESOLUTION APPROVING THE CITY'S APPROPRIATIONS LIMIT OF \$19,667,895 FOR FISCAL YEAR 2014-15 (GANN LIMIT)**

**WHEREAS**, Article XIII of the California Constitution and Section 7900 et seq. of the California Government Code require cities to adopt limits on appropriations for each fiscal year, and

**WHEREAS**, the Appropriation Limit has been calculated for the fiscal year 2014-2015 and is set forth in that certain document 2014 Appropriation Limit Calculation, Attachment A, attached hereto and made a part hereof, and

**WHEREAS**, the staff report and the documentation used in determining the Appropriations Limit and the appropriations subject to limit have been made available to the public as required by law,

**NOW, THEREFORE, BE IT RESOLVED** by the Ridgecrest City Council that:

1. The adjustment factors selected for calculating this Appropriations Limit are based on California Per Capita Income change of -.23% and the City of Ridgecrest population change of .75%;
2. The Appropriation Limit for 2014-2015 fiscal year is established at \$19,667,895; and
3. The City Council reserves the right to recalculate this Appropriations Limit utilizing Non-Residential Assessed Valuation.

**APPROVED AND ADOPTED** this 20<sup>th</sup> day of August, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Daniel O. Clark, Mayor

ATTEST:

---

Rachel J. Ford, CMC  
City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING  
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT: Approve A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of August

PRESENTED BY:  
Rachel J. Ford, City Clerk

SUMMARY:

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented at the following events.

1. *Honoring Ridgecrest Citizen Linda Estrada and Declaring August 20, 2014 as Linda Estrada Appreciation Day*

FISCAL IMPACT: None  
None

Reviewed by Finance Director

ACTION REQUESTED:

Approve resolution recognizing proclamations for the month of August

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve resolution recognizing proclamations for the month of August

Submitted by: Rachel J. Ford  
(Rev.6/12/09)

Action Date: August 20, 2014

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**RESOLUTION NO. 14-xx**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL  
ANNOUNCING PROCLAMATIONS PREPARED FOR THE  
MONTH OF AUGUST 2014**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various event and observations. The following proclamation has been processed:

**Proclamation Titles**

1. *Honoring Ridgecrest Citizen Linda Estrada and Declaring August 20, 2014 as Linda Estrada Appreciation Day*

**APPROVED AND ADOPTED THIS 20<sup>th</sup> day of August 2014 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Daniel O. Clark, Mayor

ATTEST:

---

Rachel J. Ford, CMC  
City Clerk

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**A Proclamation of  
The City Of Ridgecrest, California  
Declaring August 20, 2014 Linda Estrada Day**

**WHEREAS, Linda Estrada has been a positive influence to the people of Ridgecrest since 1976, helping so many achieve their personal and financial dreams for over 30 years; and**

**WHEREAS, Linda has helped with home loans, car loans, retirement planning or simply teaching someone how to balance a checkbook, holding virtually every position with the Bank of America banking center in Ridgecrest in a 30 year career culminating as the long time center manager; and**

**WHEREAS, many don't know Linda ended up in banking because she couldn't balance her own checkbook, she spent so much time in the local branch learning the process that they finally offered her a job. Her favorite job with B o A was as a proof operator where she truly enjoyed "bankers hours"; and**

**WHEREAS, Linda has not only been a loyal employee she served her community well participating in the Ridgecrest Chamber Executive board , Chamber Ambassadors and R/C Boy's and Girl's Club, serving the elderly and anyone in need; and**

**WHEREAS, Linda has been married to her "best friend" Jose Ruben Estrada for 35 years, he has supported every wild hair effort and adventure, together they have 3 kids Jeremiah, Timothy and Christina, 6 grandchildren Grady, Ashley, Taylor, Holly, A.J. And Devin and has never been more excited about being a full time GRANDMA; and**

**WHEREAS, Linda was born in Los Angeles and attended Long Beach College but soon learned to love the desert, especially Ridgecrest and it's small town charm, contributing to multiple organizations and always seeking ways to improve the lives of her friends, family and customers, following the number one customer service rule, always let them know you care.**

**NOW THEREFORE, we, the City Council of the City of Ridgecrest do hereby offer our Congratulations, Thanks and Best Wishes to Linda Estrada on her retirement and for her undying commitment to the community and its residents for over 35 years, hereby declaring that she is absolutely unemployable from this moment forward and declare August 20, 2014, Linda Estrada Appreciation Day in the City of Ridgecrest.**

**Proclaimed this 20<sup>th</sup> Day of August 2014**

  
**Daniel O Clark, Mayor**

  
**Marshall 'Chip' Holloway  
Mayor Pro Tem**

  
**James Sanders  
Council Member**

  
**Lori Acton  
Council Member**

  
**Steven P. Morgan  
Council Member**

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING  
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of August 6, 2014

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of August 6, 2014

**FISCAL IMPACT:**

None

Reviewed by Finance Director:

**ACTION REQUESTED:**

Approve minutes

**CITY MANAGER 'S RECOMMENDATION:**

Action as requested: Approve Draft Minutes

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**MINUTES OF THE REGULAR MEETING OF THE  
RIDGECREST CITY SUCCESSOR AGENCY,  
FINANCING AUTHORITY, AND HOUSING AUTHORITY**

City Council Chambers  
100 West California Avenue  
Ridgecrest, California 93555

August 6, 2014  
5:30 p.m.

1. This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded solely for the purpose of preparation of minutes.

**CALL TO ORDER**

**ROLL CALL**

Council Present: Mayor Daniel O. Clark; Vice Mayor Marshall 'Chip' Holloway; Council Members James Sander; Lori Acton; and Steven P. Morgan

Council Absent: None

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Keith Lemieux; and other staff

**APPROVAL OF AGENDA**

*Motion To Approve Agenda Made By Council Member Morgan, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Clark, Council Members, Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; 0 Absent*

**PUBLIC COMMENT – CLOSED SESSION**

- None presented

## **AGENDA - CITY COUNCIL - REGULAR**

**August 6, 2014**

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### **CLOSED SESSION – 5:30 p.m.**

GC54956.9(d)(4) Conference With Legal Counsel – Existing Litigation – City Of Ridgecrest v. Matasantos

GC 54959.8 Local Agency Real Property Negotiations – Negotiation For Receipt And/or Sale Or Use –APN's 396-090-29, 396-111-01,02,396-112-01-06,08-11,396-113-01 through 12,396-111-04,396-112-13,396-112-14, 396-112-15, 396-180-01 through 09, 396-190-01 through 09, 396-200-01 through 06, 396-200-10, 396-200-11, 396-210-01 Through 04, 396-210-07, 396-210-09, 396-210-11 through 13, 11 396-200-09, 396-210-15, 396-210-14, 396-210-16, 396-220-01 through 03, 396-220-07 through 11, 396-220-13, 396-220-12, 396-130-01 through 4, 396-140-10 through 14, 396-150-01, 396-150-09 & 10, 396-150-18, 396-160-02 through 16, 396-160-18, 396-160-23 through 35, and 396-160-38 - Oasis Property. Agency Negotiators Dennis Speer, City Manager And Gary Parsons, Economic Development Program Manager

GC 54959.8 Local Agency Real Property Negotiations – Negotiation for Receipt and/or sale or use – APN's 508-020-12 & 13 – Ridgecrest Sr. Housing Project. Agency Negotiators Dennis Speer, City Manager And Gary Parsons, Economic Development Program Manager.

GC 54959.8 Local Agency Real property negotiations – Negotiation for Receipt and/or sale or use –APN's 033-070-01 through 03; 033-070-05 through 12; 033-070-14 through 16; 033-070-28 through 36; 033-070-41 (24 total parcels) located within the Ridgecrest Business Park. Agency Negotiators Dennis Speer, City Manager And Gary Parsons, Economic Development Program Manager.

GC 54959.8 Local Agency Real Property Negotiations – Negotiation for Receipt and/or sale or use – APN's 033-070-47 & 033-070-44 - K Partners. Agency Negotiators Dennis Speer, City Manager And Gary Parsons, Economic Development Program Manager

GC54957.6 Labor Negotiations – UFCW Local 8 & Police Employee Association of Ridgecrest (PEAR) – Agency Negotiator City Manager Dennis Speer

### **REGULAR SESSION – 7:12 p.m.**

- Pledge Of Allegiance
- Invocation

## **AGENDA - CITY COUNCIL - REGULAR**

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### **CITY ATTORNEY REPORT**

- Closed Session
  - City of Ridgecrest v. Matasantos – report received, no reportable action
  - Real property negotiations – Oasis Property Agency - report received no reportable action.
  - Real property negotiations – Ridgecrest Senior Housing Project – report received no reportable action.
  - Real Property Negotiations – Ridgecrest Business Park - report received, no reportable action.
  - Real Property Negotiations – K Partners - report received no reportable action.
  - Labor Negotiations – UFCW Local 8 and Police Employee Association of Ridgecrest (PEAR) - report received no reportable action.
- Other
  - none

### **PUBLIC COMMENT opened at 7:17 p.m.**

Randy Jenkins

- Read article entitled 'Pathways to Freedom'.

Sarah Warsaw

- Spoke on letter from daily independent regarding street safety for bicyclist and pedestrians due to standing water and debris in the gutters

Penelope LePaul

- Agree with previous speaker
- Expressed opposition to funds being moved from the Ridgecrest Blvd. contingency fund and moved to industrial development proposals.
- Suggested additional funds be used to hire a director of public works rather than funding proposals
- Opposed to changes to elected Mayor
- Questioned industrial proposals presentations and concerns about air quality. Asked if filtration would be a part of the proposal to protect air quality
- Asked for presentations where these issues were addressed.

Ronald Porter

- Concerns about the closed sessions titles as not being informative enough
- Questioned how items got to the point of closed session without public discussions.
- Citizens need to know why before negotiations.

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Ronald Porter *(continued)*

- Suggested public should have an idea of what the litigation is about.
  - Keith Lemieux – agenda language pertaining to closed session is prescribed by statute. City has certain attorney client privileges and do not want to disclose information that would be detrimental to the parties.
- Suggested city is overstating the statute.

Nick Coy

- Commented on veteran's committee which is now in the 4<sup>th</sup> year and on track for a third veteran's stand down.
- Organization is growing and upcoming stand down will be the best yet.
- Invited Council to attend and meet with veterans to find out what their needs are.
- Identified a need for shelter for veterans and non-veteran with mental issues or homeless. No facilities for males, only a domestic violence for women.
- Asked Council to consider finding a way of providing a facility to aid homeless and mentally ill with shelter and counseling.
- September 26 veteran's stand down. Asked for volunteers to help.
- Veterans committee meets twice monthly and volunteers do not have to be veterans.
  - Chip Holloway – emailed Carol a story about bill passed by state for \$35 million for new housing. Encouraged Nick to research.

Robert Eierman

- Beginning this week KZGN local television went live with news, weather, and Ridgecrest Talk program. Ridgecrest Talk airs from 6:00 to 6:30. Al Huey and Robert Eierman will be interviewing the Mayor tomorrow.

Robert Gould

- Commented on art in the center dividers on streets
- Private individuals establishing memorials in the medians are not proper. Currently in disrepair and is an eyesore
- Suggested a policy for what can be placed in the medians.

Dave Matthews

- Congratulated Mayor Clark on the mayor's column this week regarding marijuana and marijuana dispensaries. Agree with the mayor's comments but reserve the right to further research to be sure.
- Perspective as a parent who sat aside and watched the 60's and 70's unfold when the widespread use of marijuana begin
- Expressed concern that marijuana usage inhibits the maturing of the youth.
- Our youth is our future and if not developed properly then concerned about what will happen to our future.

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Dave Matthews *(continued)*

- In the 60's and 70's heard phrases such as biological warfare such as anthrax, same people who were pushing those ideas also pushed marijuana because they knew what would happen.
- Dealers don't care what will happen, they only want money
- Encouraged public and youth to stay away from marijuana. There are other things for pain including good physical condition. Prescription drugs are bad enough.
- Wants to believe everyone is concerned and we have to watch what is being fed by our government.
- Personal note, missing a mature grey Siamese cat. Asked public to be on the lookout.

Public Comment Closed at 7:42 p.m.

### PRESENTATIONS

1. **Presentation Of A Proclamation Honoring The Desert Stars Youth Cheerleaders For Winning First Place In Two Divisions Of State Competition** Clark

- Council presented a proclamation and individual certificates to members of the High Desert Stars Cheerleading organization.

2. **Presentation Of A Proclamation Honoring Ridgecrest Citizen Nathan Ahle For His Accomplishments As President Of The Chamber Of Commerce** Holloway

- A representative from Congressman Kevin McCarthy's office presented a certificate of appreciation and a flag which was flown over the Capital to Nathan Ahle.
- Council presented a proclamation to Nathan Ahle for his contributions to the community.

### CONSENT CALENDAR

3. **Adopt A Resolution Of The Ridgecrest City Council Authorizing Award Of A Construction Contract To Griffith Construction Company For The Road Construction Of An Unpaved Road On South Sunland Street From Upjohn Avenue To Bowman Avenue And Authorizing The City Manager, Dennis Speer To Execute The Contract** Speer

4. **Adopt A Resolution Of The Ridgecrest City Council Authorizing The Adoption And Implementation Of The Ridgecrest Ridgerunner Title VI Plan** Speer

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5. Approve A Resolution Of The City Council Of The City Of Ridgecrest Approving A Contract Change Order Number One With The Contractor Griffith Construction Company To Provide Additional Traffic Control And Traffic Handling Required For The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer To Sign The Change Order Number One Speer
6. Adopt A Resolution To Amend The Professional Services Agreement With Willdan Engineering For Continuation Of Phases 1, 2, And 3 Of The Architectural And Engineering services Of The City Corporation Yard And Transit Facility And Authorize The City Manager, Dennis Speer, To Execute This Agreement Speer
7. Adopt A Resolution Of The Ridgecrest City Council Amending And Approving The City Of Ridgecrest Classification Plan And Adopting The Job Specifications Of City Clerk & Deputy City Clerk Into The City Of Ridgecrest Classification Plan McQuiston
8. Adopt A Resolution Of The City Council Of The City Of Ridgecrest, Correcting The FY 2013-2014 Salary Schedules For Police Employee Association Of Ridgecrest (PEAR), UFCW Local 8 And Management Groups McQuiston
9. Adopt A Resolution Of The Ridgecrest City Council Allocating Tax Allocation Bond (TAB) Funds For Code Abatement Strand
10. Adopt Resolution Of The Ridgecrest City Council Authorizing The City Manager To Enter Into Memorandum Of Agreement With Sierra Sands Unified School District For Law Enforcement Services (School Resource Officer Program) Strand
11. Adopt Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Of July 16, 2014 Ford

Items Pulled From Consent Calendar:

- Item Nos. 4, 5, 6, and 9

*Motion To Approve Item Nos. 3, 7, 8, 10, And 11 Of Consent Calendar Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members, Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; 0 Absent*

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### Item No. 4 Discussion

Jim Sanders

- Asked where the document came from
  - Dennis – FTA
- What is environmental justice
  - Dennis – title vi requires providing for everyone
- Do not understand what environmental justice is and don't think it applies to title vi
  - Dennis – unfunded mandate, required to adopt or will lose 5311 grant funding in excess of \$100,000 and could affect TDA funding
- Mandate is to comply with ADA
- Asked if there is leniency in what is written
  - Dennis – very little flexibility however we only have to meet two prongs of language which is English and Spanish. Initially were told we would have to provide French for Inyokern however we only serve the area under contract and county will have to provide French
- Don't have a problem with the bulk of the plan but have concern with environmental justice with is strongly tied to social justice
  - Keith – reviewed and explained it as analysis of whether environmental effects are being unjustly served on a particular group. We have been asked to do the analysis. Exemplified pollution issues.
- Will there be problems if we try to amend
  - Dennis – first submitted in June and scheduled to bring to Council, have been thru several modifications and finally reached this point.
- Expressed concern with having things like this tied to federal dollars

Steve Morgan

- This system benefits air quality control. By having the system and utilize para-transit we meet criteria that we are not creating additional noise pollution. In that respect we are good. Some of the things don't pertain to us and we will state such.
- Low income and minority populations, we are providing them transportation to get to and from locations so providing a service. The service connects to the Crest system and they are doing the same thing.
- Do not believe there is anything in the document that is of great concern.
  - Dennis – this is similar to the certs and assurances required.

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Chip Holloway

- Frustrated with items such as these. This is an unfunded mandate which required 80 hours of work from 2 staff to put together and will have to be repeated every 3 years.
- Read regulations on discrimination. Until January of this year the document was not required. Significant portion we fall under is limited English proficient individuals and we have to provide services. There are approximately 18 data point's staff had to obtain to identify how many non-English persons are in the community and might use the bus. It equated to 2 people. 160 hours of staff time, money diverted from streets out of transit funding. Most important to Ridgecrest is providing service to people who do not desire to learn English. Transit has to get a 10% fare box ratio and are doing everything we can to encourage people to use the bus including providing translation services. There are additional people at the state and federal level who have to work on this document.
- Staff deserves a lot of credit because this is a very articulate document.

Jim Sanders

- Language you speak has nothing to do with the civil rights act and neither does environmental justice and is frustrated this is brought under the civil rights act.

### PUBLIC COMMENT

Dave Matthews

- Understand the frustrations of Council. things presented by government like this need to be brought back and used as an example by Council to draft correspondence to government stating we do not need this.

Jerry Taylor

- Commented on already not meeting the fare box ratio.

Ronald Porter

- Supports Chip's comments. Spend a lot of time generating paper and doesn't matter, have to follow the law. Throwing good money after bad.

### Item 5 discussion

Steve Morgan

- Because our public utilities were remiss in getting their infrastructure improvements completed, staff has been on an out of control carousel to keep the project moving forward which translates into a change order.

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Steve Morgan *(continued)*

- This is a modification to increase flagmen and signage to amend the initial design of the project. Originally doing one side at a time now doing block to block.
- We have to go back and renegotiate with the contractor for the change which could decrease the original contract but end result will be an increase to the overall cost.
- Bottom line is because of the way we are trying to assist public getting around the remaining portion of west Ridgecrest Blvd., kudos to water district because have been promised they will be done by Friday. This cost is not as overbearing as it appears, will be between zero and \$200K+. There is currently no actual cost for the next few months; these numbers still have to be worked out.
- Applaud staff for going back and trying to do better for the community but should not have had to do this at all.

Chip Holloway

- Cost for 4 flagmen is \$49.93 per hour which includes 33% markup. Prevailing wage is what flagmen are actually being paid without the markup.
- One reason we fought the state for local control is as a charter city you don't have to follow prevailing wage.

### PUBLIC COMMENT

Andy Anderson

- Asked if this change order was entirely due to the failure of the utilities to do their contract on time and if so will be go to court to recoup the funds?
  - Dennis – explained the original paving plan which is now changed. Yes this is because utilities did not do their part on time. We have no formal agreements with utilities, there were notifications of the time frame and they did sign commitment letters.
  - Keith – city attorney has not reviewed the liability and will do so if instructed by Council.
- Suggested looking at this and charge utilities if needed.

Jerry Taylor

- Commented on utilities not providing proper flagmen and asked who was monitoring the work. Comment came from a visiting Caltrans employee.

Ronald Porter

- Thanked Mr. Morgan for response to the questions. Want to make sure contracts are not being milked. Most contracts realize traffic will change and there is a cushion built into the contract.

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### Item No. 6 discussion

Jim Sanders

- Confused about the item. What exactly are we funding
  - Dennis – preliminary engineering.
- Asked about the previous totals came from
  - Dennis – first amount is for bus garage and \$120k is in addition to. \$44k is completed.

### PUBLIC COMMENT

Jerry Taylor

- Asked what the plan is for the property and does it include parks maintenance
  - Dennis – in escrow and is intended to include parks.
- City feels that much land is needed to replace the current facility
  - Other purposes will be served.
- Commented on not presenting this before public with regard to the building plans.

### Item 9 discussion

Ronald Porter

- Requested what would be cleaned up and why.
  - Ron Strand – looking to remove dilapidated buildings in the city. Making every effort to have owners remove the buildings and will move thru the process. Reviewed 9 locations that have been identified as potential abatement issues. Intent is to work with owners; some of the owners have deceased.
  - Reviewed PowerPoint presentation of properties proposed to be abated.
- Will a lien be put against the property?
  - Ron Strand – yes, explained the process.

Dave Matthews

- Commented on the word Code Abatement. Is this the wording you want in the resolution. A lot of codes I would like to abate so wording might not be applicable.
- Commented on Daily Independent article.

*Motion To Approve Item Nos. 4, 5, 6, And 9 Of Consent Calendar Made By Council Member Morgan, Second By Council Member Acton. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members, Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; 0 Absent*

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### DISCUSSION AND OTHER ACTION ITEMS

#### 12. Adopt A Resolution To Approve A Professional Services Agreement With Justin O'Neill And Authorize The Mayor, Daniel O. Clark, To Sign The Agreement Clark

Dan Clark

- Presented staff report and reviewed previous Council discussions.

Jim Sanders

- Concerns are not with Mr. O'Neill or the scope of work but with the process of executing the contract. Do not believe a sole source is appropriate.
- Did bid a position and the scope of work has changed significantly.
- If it hadn't changed we would have hired under the previous bid.
- Believe this needs to go out to bid and is not a sole source

Steve Morgan

- Was not at the last meeting. Was berated on blogs for not being here. I was visiting my 84 year old father and 81 year old mother discussing my 24 year old daughter's wedding.
- I have made extensive edits on this scope of work and none of them were taken into consideration.

Lori Acton

- Respectfully disagree, each concern was addressed.

Chip Holloway

- Was not at the meeting and don't read blogs. Did review Steve's edits. Asked Mr. Speer for comment.
  - Dennis Speer – Independent Contract cannot take direction. Both PERS and IRS have specific regulations on what qualifies as an Independent Contractor.
- There are good legal reasons of why we cannot have City Manager oversight.
- Only question I have is legality. Sent email to Michael Silander and the answer received is it is legal and proper. Committee was to define the specific areas and did not change the scope of work to a large degree.
- Received comments from public, this is not \$26k per project; it is up to \$26k for total contract. First project could be \$1000 and others could be different amounts.
- Reviewed a list of projects that are proactive to increase revenue.
- It is legal and convinced the energy level this individual will bring to the city will more than benefit the city. Cannot hire and fire an employee for 3 months for this amount of money

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Dan Clark

- Commented on the length of process and the turn of opinions for various Council members.
- Was not comfortable for the original version of the RFP. Came back with a scaled down public relations job description. Ad Hoc committee meetings refined the contract and legal altered again. Am pleased with this contract and feel city will benefit tremendously with Mr. O'Neill's energy.

### PUBLIC COMMENT

Ronald Porter

- Commented this does not meet the sole source. Feel this will have value to the city but not the way to do this. Offered meeting with Council to discuss a task specific contract. Contract is dangerous as written.

Tom Wiknich

- 20 years' experience with contracts. Disagree with legal advice.
- Questions about contract, page 1 asked item 1 paragraph c, last sentence.
  - Keith Lemieux – will rewrite the sentence. Is ambiguous.
- Commented that contracts state an hourly rate and will be billed at that rate. This contract should have a line that when billed will be at 'X' rate.
  - Lori Acton – depends on the service provided. Up to \$26k. Each project may have a different hourly rate and has to be approved. The cap cannot go above this amount.
- Understand but we were required to have an annotated rate for every position.
  - Keith Lemieux – exhibit A is intended any services rendered be brought back and approved by Council. Council wanted to maintain some level of flexibility.
- Understand the cap but on the base cannot do a sole source contract that did not include an hourly rate.
- Paragraph 7 indemnification is he required to provide liability insurance.
  - Keith Lemieux – not the type of contract that promotes being able to imagine liability for promotions.
- Volunteers are under the umbrella of city insurance.
  - Keith Lemieux – status as independent contractor eliminates the issue.
- Suggested requiring insurance.
- Workers compensation insurance
- Is there a business license
  - Yes under O'Neill Dynamics
- Exhibit A – understand Council will write tasks and Council will review.
  - Lori Acton – need help creating revenue. There are many things that need to be done in that direction that Council does not have time to do.
  - Keith Lemieux – methodology is sub paragraph 1 which requires a minimum of 2 public meetings on each task. Also hourly rate of service is

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part of the proposal. If Council comes up with a plan to promote a festival, direction is put out at a public meeting then approved at another meeting.

- Direction will come in form of resolution.
  - Dan Clark – just direction to staff.
- Staff report with resolution?
  - Keith Lemieux – approving a task order. Action of city Council
- Agenda items for each task assigned.

Robert Eierman

- Comments have nothing to do with Mr. O'Neill; the concept of the contract; or Council needing assistance.
- Think public's concern is the way the contract is being done, sole source
- Understand Council is not an attorney.
- There is one attorney's opinion. In a court of law there are two attorneys who disagree then clearly one will be wrong.
- Mr. Lemieux made commitment at last Council regarding the scope of work changing does it still qualify for sole source.
  - Keith Lemieux – at last meeting there was a concern raised that the original scope of work did not contain item types that ended up in the final agreement. Understood the concerns raised and after looking at this objection, the section that describes reasonable effort describes circumstances that permit not meeting the bidding requirement. Most of the contract was submitted to bid so a reasonable effort was made and furthermore the opinion of Council this person by being local is in position to provide services the other contractors could not.
- You agree with that opinion?
  - Keith Lemieux – yes

Jerry Taylor

- Commented on Council desires to hire an individual to do good things for them so don't understand why Council won't just hire a part time individual to do the good things for Council.
- Commented on the additional burden to staff to bring tasks back to meetings.
- Asked Council to really think this thru
- Concerned about the operations of committees and too much information might have been shared.
- Earlier statement is what are you trying to achieve and how will you achieve it.

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Johnny Alasco

- Confused about the legality of sole source. Only one Council member did the research and consulted attorney. Why is it so difficult to get an answer for this. Public is also asking these questions and that should have been the first thing addressed.
- There are a lot of valid objections but do think people should look at the work Mr. O'Neill does. He is CEO of non-profit, participates on several boards and actively tries to prevent drugs with youth. If looking at the way he does business, you will see he is not out to gouge the city. There are many good reasons to execute this contract.
  - Dan Clark – addressed comments. We knew this was legal two months ago. Spoke on transparency. Council pulls contracts until they and most of the community feels comfortable with the contract. Can't run government like a business. Trying to do this correctly. We work for the people of the community and until we feel it is the right decision for the community then we will review over and over. Have pulled this contract because didn't like the language several times.
- Just expressing frustrations with questions that are being asked and not getting answers.

➤ Keith Lemieux recommended changes and provided changes to the City Clerk

Lori Acton

- Apologized to Jerry Taylor for previous comments.
- Commented on the discussions and is glad that because we do care about the community we have finally come together.

Jim Sanders

- Clarified legality opinion. Law has two element, letter and intent. We pay attorney to give advice on the law but intent is subjective. Do feel I have a good grasp of the intent of the law. While we may not be violating the letter of the law, I do believe we are violating the intent of the law.
- My mission on Council is to repair the trust of the community. My objection is not because I feel this is a bad idea, but the process used is not helping the trust in the community. Hoped the process would build trust.

*Motion To Approve Resolution As Amended Made By Council Member Holloway, Second By Council Member Acton. Motion Carried By Voice Vote Of 3 Ayes (Mayor Clark, Council Members, Holloway, And Acton); 1 Noes (Council Member Sanders); 1 Abstain (Council Member Morgan); And 0 Absent.*

**Five Minute Recess**

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### **13. Appointments To Fill Two Vacancies On The Measure 'L' Committee Clark**

Dan Clark

- Presented staff report

Chip Holloway

- Thanked Phil Salvatore for serving on the committee. Was passionate and will stay engaged.
- Thought this would be a tough decision but a name popped out and do not feel this individual would be controversial. Apologize to people who he talked with but put in applications later. Nominates Robert Gould.

Dan Clark

- Nominated Ron Carter.

Jim sanders

- One concern for Measure 'L' committee, am hesitant to nominate a former Council Member to a watch-dog committee

### **PUBLIC COMMENT**

Andy Anderson

- A person who reapplied for committee and has been on the committee for two years is Michael Peterson. Feels Council should consider reappointing him since he has worked with the committee.
- Seriously objects to Mr. Carter as a former City Council Member being a part of the committee. We are tasked with keeping Council honest and putting a former Council Member on the committee is cronyism and is objectively wrong.

Jerry Taylor

- Hold to Council to remember why the committee is in place. This is about credibility. Disappointed you are not reappointing Mr. Peterson.
- Will have significant credibility problems with Mr. Carter.
- Commented on 2012 vote from Mr. Carter to spend Measure 'L' dollars for parks.

Robert Eierman

- Agree with the previous 2 speakers
- Council suffers from a lack of credibility. Nothing against Mr. Carter but his history as a former mayor, Council member and friend to Mayor Clark destroys the credibility of the committee and Council.

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Scott Garver

- Often Council nails themselves to a cross and then wonders why their credibility is destroyed.
- The fact Mr. Carter was apparently recruited to fill this position speaks to the lack of credibility
- At every turn the wrong choice has been made by the Mayor. Exemplified a letter from the Mayor and phone call from Council Member in Delano about only meeting once a year.
  - Chip Holloway – objects to the characterizing of that phone call, was trying to be helpful.
- Commented on the canned and desperate responses not provided to our (committee) year-end presentation.
- By design, neglect or perfect storm of circumstances have made Council look bad with regard to this committee.
  - Dan Clark – I sit here and get frustrated with things said. I never sent the Measure 'L' a letter, they were notes I wanted to sit down and discuss with the committee. I had to have emergency surgery and committee went off and made all sorts of accusations. I promised to be at the meetings and attended the first 7 or 8 meetings. I choose not to go anymore because it was not a safe place. After getting out of the hospital and read what was said, the personal attack on me, then felt could not attend more meetings.
- Tasks are outlined by ordinance. There was suggestion that the committee was working outside the bounds.
  - Dan Clark - Appreciate what the committee does and wanted to have a good working relationship with the committee
- Asked Dan to not put Ron Carter's name forward as a nominee. Stated that Mr. Carter was part of the concern that required the committee as part of the ordinance.
- Suggested Mayor defer his nomination to someone who will be on Council for a longer period of time.
- Commented Mr. Gould is a fine choice and requested Mr. Peterson be reappointed. Stated that Mr. Peterson was a voice of reason over the past two years and helped keep animosity down.
  - Dan Clark – Mr. Carter understands the budget and function of the committee. Is a citizen now and don't want to hold against him the fact that he is a former Council Member. Felt the experience would be a benefit to the committee.
- Commented on the impediments Council has put forward the past few years and does not feel Mr. Carter would alleviate the trust issues of the public.

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Andy Anderson

- Asked Council to allow the committee to evaluate the applications and present recommendations to Council.

Dan Clark

- Asked for a revote of Council on Ron Carter's nomination.

Steve Morgan

- Controversial appointments are not uncommon. I hesitated on Mr. Peterson because he hesitated to apply. Appreciate and value consistency. Am in the midst of a minor outcry that I have no business running for mayor. We all make mistakes and have opinions that don't sit well. When I attended a Measure 'L' meeting, Mr. Peterson told me I had no right to make comment on anything on the agenda and could only speak at public comment so I never went back to a committee meeting. Personally asked Mr. Garver to look at the letter and he went to the paper and said I was trying to suppress information. I will not object to Mr. Carter. He and I disagreed with each other a lot but were able to work thru it and do what was best for the City, and I believe he will be able to take the duties and be a good team member. I also went out and looked for someone. Michael Whalan applied for this committee, is that wrong? Not a rhetorical question. Council who appointed the original committee members were leaving office and it wasn't an issue then. I am hesitant because the number of committee members present, perception given by the committee is that Mr. Carter won't do the job he has been given. I disagree with that, he has always done the job required whether as elected or volunteer. What is printed in the press of good old boys club, I brush that off. I believe the Council Member nominees were thought out. That being said, if Dan is wavering then I respect his decision. I originally appointed Mr. Anderson and I respect him greatly, have had many candid discussions with him, but do not agree the committee should be doing the appointment, it is a Council decision.

Lori Acton

- Respect Dan Clark's decision. For the committee to want to tell us who to appoint is also cronyism.
- Ordinance is written that it is not up to the committee to make recommendations. Confused as to why this is so controversial.

Mr Garver disrupted the meeting.

Dan Clark

- Not going to withdraw the nomination. Believe it is the right choice.

Lori Acton

- Understand the concern of a former Council Member being on the committee, but there are five members and majority will rule, so am ok with the decision.

## AGENDA - CITY COUNCIL - REGULAR

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Chip Holloway

- Also tried to recruit people to apply for the committee. Had several people tell me we should seek out someone like Mr. Carter because of the misunderstanding of the budget. This has been a strong point for Mr. Carter along with corporate knowledge of the City of Ridgecrest. I thought Michael Peterson did a good job and tried to encourage him to come back on the committee but the late application frustrated me. Support the appointment.

Jim Sanders

- Would rather do away with a committee without public support. Had 7 applicants and thanked those who applied.

*Motion To Appoint Robert Gould And Ron Carter To The Measure 'L' Committee Was Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; And 0 Absent.*

### **14. Adopt A Resolution Of The Ridgecrest City Council To Approve The Expenditure Of Economic Development Tax Allocation Bond (TAB) Funds For The Reconstruction Of A Billboard On Highway 395** Parsons

Gary Parsons

- Presented staff report.
- Billboard sign condition reviewed (*Attachment A*)

Doug Lueck

- Reviewed photos and condition issues of the existing sign.
- New sign will be 14 ft. x 48 ft. and 12.5 ft. higher on BLM land.
- Caltrans is in favor of the project.
- Working with BLM to design the new sign. Will allow non-profits banner advertising and double side options for the future. Designed to hold 2 sides. No charge to non-profits for event advertisements. Large part will be for Ridgecrest and other areas for non-profits.
- If sign falls down, BLM can take back the location. Don't want to lose the grandfather clause I have on the property.

Gary Parsons

- Front of sign will be entry for City. Back of the sign could be a city option for leaving the city.

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Steve Morgan

- No problem replacing the sign and appreciate the tag boards for multiple events for non-profits. Important for advertising months in advance
- Would like to discuss what will be on the sign and see ideas and be able to get comment from the public and Council.

### PUBLIC COMMENT

Tom Wiknich

- No problem with the sign. Questioned the cost for turtle fencing.

*Motion To Approve Resolution Made By Council Member Morgan, Second By Council Member Acton. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members, Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; 0 Absent*

### **PUBLIC HEARINGS**

#### **15. Public Hearing And Adopt A Resolution Of The City Council Of The City Of Ridgecrest Approving An Economic Incentive Agreement By And Between The City Of Ridgecrest And Pertexa Health Care Technology, Inc. Parsons**

Gary Parsons

- Presented staff report

Pertexa Representative

- General contract was ok but the milestones had some confusion. Understanding was \$600k and then \$275k for construction. In parallel would begin the free trade zone. Current contract the \$600k is fine but second payment is \$50k toward free trade zone and then \$225 toward the finalization of free trade zone. Do not believe this was the intent. Cost of free trade zone was put into the contract. Council previously asked if the cost was included in the proposal and answer was no.
  - Gary Parsons – discussion of renegotiating agreement should go back to staff. Items requested is expansion of what was originally asked. I would need additional TAB funding if city chose to take on the free trade zones so would have to take funds from another TAB project. Secondly have been informed by bond counsel that if we want to make changes would have to come back and repost.
  - Mark Huebsch (Redevelopment Attorney) – addressed the legal problems. Fourth clause will need to be stricken due to problem with newspaper publication error. Reviewed proposals, none of the agreements represent all aspects of the original proposals. In terms of the free trade zones there are issues with bonds and city having additional responsibilities outside the scope of duty and need to limit the liability and have further concern about the degree that if city failed to establish the free trade zone.

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Mark Huebsch *(continued)*

- Cannot negotiate in open session and no procedural law applies. Statute of notice before a public hearing, if we deviate from the document that was noticed. Commented on altering an amount or assigning a duty to the city then have a concern.

Dan Clark

- Do not negotiate publicly, and then we cannot alter the draft?
  - Mark Huebsch – in terms of altering material aspects in terms of dollars or creating additional responsibility on the city then will require additional negotiations. Do think there is any question that \$50k is material in context of new statute requiring notice of public hearing. Requires notice of the terms.

Lori Acton

- Understood the City was doing the trade zone to benefit other companies.
- Not sure about the hang up with public notice because it was noticed with the agenda. Missing something in the process

Kishor

- There has been a miscommunication. Took time to put draft back and forth, and inability to talk directly with the attorney to express concerns.
  - Gary Parsons – we looked at this as a not negotiable item since it is a grant rather than a contract. We noticed the companies at the same time as the agenda was noticed. Not looking for a lot of comment from the grantees as these are free funds/monies for companies to start up and only a protection for the City to protect our interest. If companies disagree with the agreements then they have that right and therefore will not receive the funds. The liability of the free trade zone was brought up by the attorney and city is not in a position to take on that liability. What we are recommending if you choose to add funding to the budget or add additional funding to Pertexa then would have to bring back at a later date with another notice.

Lori Acton

- Questioned the choice to put the free trade zone into the agreement.
  - Gary Parsons – responded.

## AGENDA - CITY COUNCIL - REGULAR

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Jim Sanders

- Understood the city was the one who had to do free trade zone
  - Gary Parsons – application is the City, if we have to hire a firm to do the process have to do a bid process and Pertexa does not have that problem. Do not have the expertise or time to do in-house.
  - Mark Huebsch – an alternative that might work instead of making the disbursement and milestone then take away those and substitute manufacture and delivery of RoboDoc. Same amount of money. If using this as a measurement then could be substituted in place of free trade zone.

Lori Acton

- Would like to see the free trade zone be valuable for other companies. If this is a deliverable then would it be only for that item or can it be for the whole area
  - Mark – take the free trade zone out of the milestones and substitute the RoboDoc. If Council says we must deal with free trade zone at the same time then will have to redraft. If it a condition to manufacture x number of RoboDoc then is acceptable.

Dan Clark

- Not comfortable with what is being said. Asked Gary if it is his recommendation Council accept as presented or go back and redraft.
  - Gary Parsons – recommend the agreement be amended per attorney and change language of requirement for free trade zone with understanding the free trade zone application will be brought back to Council with a funding request. May ask Pertexa to do the work for the free trade zone. Concerned about the liability.
    - Mark Huebsch – page 3 referenced trade zone application and achievement which will be eliminated and instead insert product manufacturing. Page 7 talks about achievement of free trade zone status and will be replaced to read within 30 days of manufacturing. Excise all reference to free trade zone and the \$275k would be payable upon prototype of product. Free trade zone would then be outside of agreement. Notice was done on website. Will not be enlarging the scope of the contract. Free trade zone is outside the scope of the agreement.
  - Gary Parsons – if we go with separate free trade zone then have to do application and funding source. Would not have any guarantee that we will form a free trade zone.

Lori Acton

- Think we need to pursue free trade zone
  - Gary Parsons – Cost is not allocated in the current TAB budget

## AGENDA - CITY COUNCIL - REGULAR

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Steve Morgan

- Have no problem with the document. Free trade zone is a benefit to everyone who uses it and they should pay a part of it.
- Decide what we want to be reimbursed for the cost of free trade zone. Suggested we receive a piece from each company. Wherever we take the money need to reimburse. Likes the change of having free trade zone outside this agreement. Good with the change.

Jim Sanders

- Prefer the agreement that way also. If we do it then can let other companies utilize it.
  - Gary Parsons – interesting suggestion to have companies pay to participate and will work with legal to construct it.
- Good with the change.

Chip Holloway

- Commented there are companies in town today that could benefit by free trade zone.

Dan Clark

- Consensus is to make the changes as suggested by Mark.

### PUBLIC COMMENT

Peggy Breeden

- Don't understand if this is a grant how we protected ourselves for repayment of these things.
  - Gary Parsons – personal guarantee established that inappropriate use of funds gives us an action against their assets. More significantly, if milestones are not met then funding stops.
  - Mark Huebsch – foundational fact, the source of funds dictates the use of grants and there are limitations on the use of the bonds and ability to loan money. We tried to create remedies in the event of a failure as well as milestones to receive funding.

Tom Wiknich

- Page 8 addresses voluntary relocation addressed and am happy to see this
- Relocation allows them to sell the business and move it out of Ridgecrest?
  - Gary Parsons – if they sell the business it stays here. If they relocate outside Ridgecrest then penalties come in. New owner accepts the penalties.
  - Steve Morgan – commented the buyer would have to know about this condition.

➤ Written amended agreement to be provided to the City Clerk by attorney.

**AGENDA - CITY COUNCIL - REGULAR**

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*Motion To Approve Resolution As Amended Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members, Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; 0 Absent*

**16. Public Hearing And Adopt A Resolution Of The City Council Of The City Of Ridgecrest Approving An Economic Incentive Agreement By And Between The City Of Ridgecrest And Cal UAS Inc. Parsons**

Gary Parsons

- Presented staff report

Lori Acton

- Questioned the addition of \$36,000 for rent?
  - Gary Parsons – Amount was originally included in proposal and company is agreeable with the provision. Only question was if another location is found within the City which did occur

**PUBLIC COMMENT**

None presented

*Motion To Approve Resolution Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members, Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; 0 Absent*

**17. Public Hearing And Adopt A Resolution Of The City Council Of The City Of Ridgecrest Approving A Service Agreement By And Between The City Of Ridgecrest And World Economic Development Alliance Parsons**

Gary Parsons

- Presented staff report
- Already received five leads from WEDA

Chip Holloway

- Asked if this fits into the parameters of the Bonds
  - Gary Parsons – yes.

**PUBLIC COMMENT**

None presented

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*Motion To Approve Resolution Made By Council Member Sanders, Second By Council Member Morgan. Motion Carried By Voice Vote Of 4 Ayes (Mayor Clark, Council Members, Holloway, Sanders, And Morgan); 0 Noes; 0 Abstain; 1 Absent (Acton)*

### COMMITTEE REPORTS

#### **Activate Community Talents And Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Jim Sanders, Dan Clark  
Meetings: 3<sup>rd</sup> Tuesday of the Month at 4:00 P.M., Kerr-McGee Center  
Next Meeting: To Be Announced

Jim Sanders

- No report

#### **Veterans Advisory Committee**

Members: Dan Clark  
Meetings: 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the Month At 6:00 p.m., Kerr McGee Center  
Next Meeting: To Be Announced

Dan Clark

- Asked for help for the veterans stand down and invited Council to participate.
- 5013C almost completed
- Committee doing awesome job.

#### **Ridgecrest Area Convention And Visitors Bureau (RACVB)**

Members: Chip Holloway  
Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.  
Next Meeting: To Be Announced

Chip Holloway

- Read directors report (*Attachment B*)

### OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- none

### CITY MANAGER REPORT

Dennis Speer

- Department heads will be making quarterly presentations to Council beginning with Recreation Supervisor.
- Presented street project update. (*Attachment C*)

## AGENDA - CITY COUNCIL - REGULAR

August 6, 2014

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### MAYOR AND COUNCIL COMMENTS

Steve Morgan

- Commented on property purchase in escrow was announced out of closed session. We saved money when owner wanted to sell property, we are going to buy the property, and we will be able to put all parks, transit, and corp. yard equipment and staff in one location. That is a good thing
- Comment about street sweeping, the issue is it costs an exorbitant amount of money to dump the hazardous waste. Hopefully we will figure that one out.
- Sorry some people are disappointed with the Measure 'L' appointment process. Will be interesting to see if the individuals who railed against appointments previously will be back up here again.
- This Council has worked with TAB funding and set a course of diversification for this community. We still have the solar and bio-mass to work out and we will decide whether to move forward or not. Exciting time for Council, staff and the city. We can only hope we will be successful this time. Always scary to step out but it is necessary. Proud of staff for working so hard and Council for having the guts.
- Last night the Lions Club celebrated 66 years of operation in Ridgecrest and did so without putting pictures in the paper announcing installation of officers. We don't want the publicity but do want to help the community. The tie worn tonight represents the new direction of the new president. Read the motto of the lions. If you insert Ridgecrest citizen we owe loyalty to each other and to work together and be strong.

Lori Acton

- Good night

Jim Sanders

- Good night

Chip Holloway

- Hiring Justin was like making sausage. Hope the outcome going forward will be so substantial everyone forgets the process to get there.
- Regarding Ron Carter, disappointed in the animosity. Convinced that if Mr. Peterson and Mr. Salvatore had applied they would have been appointed but having to go back and get applications, still believe we did the right thing. Mr. Carter is the most voted for person we have had in this community. Do not feel he is hated in this community and feel it is wrong to make comments about him like those presented tonight.
- Suggested holding workshops about streets projects and TAB funds.

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Chip Holloway *(continued)*

- Commented on an aircraft prototype facility on the east coast. Phase 2 of a project that started several years ago. China Lake specializes in weapons and PACS River specializes in aircraft. We are unique to have military construction. Do not think this is a big change
- Regarding street sweeping, trying to get numbers and think there might be a way around the dumping fees. Will bring back to Council.
- Two candidates here tonight Peggy Breeden and Tom Wiknich. If someone wants to participate they should go thru the pain of sitting in a meeting that starts at 5:30 p.m. and doesn't end until midnight.
- Critics do a great job of only stating part of a story. Read allowed the full editorial, referenced in part by Mr. Neel at a previous meeting, about thanking the lions club for the fireworks.

Dan Clark

- Provided minutes of petroglyph festival committee and spoke about a plan to expose youth to petroglyphs and an idea to tell a story in petroglyph. Festival educational component for youth will include movie and assignment followed by a tour of the park and applying what they have learned.
- Feel comfortable with the industrial proposals and I am pleased with the work done by Gary Parsons and Mark Huebsch. Thanked them for their work.
- Invited everyone running for Mayor to a collaborative meeting and will notify them of the date and time.
- Commented on mobile marijuana dispensaries. Our ordinance covers mobile dispensaries which is a problem in other communities. Will have to continue to address this issue as the laws change. Think it is important to make a statement that we don't want dispensaries in our community
- Announced the global community summit at Crossroads Community Church.
- Have no reservations appointing Mr. Carter to the Measure 'L' committee. He is a pillar of the community.
- Thanked everyone for attending

**ADJOURNMENT at 11:49 p.m.**

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Rachel J. Ford, CMC  
City Clerk

**ATTACHMENT A**











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# Monthly Director's Report for RACVB

## For June & July 2014

### Held at SpringHill Suites Marriott

- ❖ In June Doug Lueck at the RACVB gave a 25 minute phone interview to Tanya Pyle of KSSI FM 102.7 radio station to be broadcasted.
- ❖ Doug Lueck provided Board of Director's copy of the "California Transient Occupancy Tax by Jurisdiction" report (Runyan) for years starting in 2003 through 2013.
- ❖ Doug Lueck renewed Board of Director's Insurance Policy, through Walter Mortensen Ins/INSURICA, effective August 8, 2014 through August 8, 2015.
- ❖ June 28, 2014 California Locations Conference held in Hollywood, California. The conference "Program Guide" included a full page ad on page 35 with tag line of: "For less than a tank of gas, Ridgecrest is THAT close to most of California." Also included two Ridgecrest hotels, Marriott and Hampton Inn on inside cover page.
- ❖ RACVB Executive Director Doug Lueck signed letter of support for the Inyokern Airport for Small Community Air Service Development grant program. With the goal of restored commercial air service to our community.
- ❖ Los Angeles Times ad June 16, 2014 reads, "Cataloging Petroglyphs at China Lake NAWS." "Safeguarding the canyon of rock art from stray bombs and vandalism, a priority since Mojave Desert base established in 1943." "Navy gearing up for creation of first comprehensive inventory of largest concentration of petroglyphs in Western Hemisphere.
- ❖ The RACVB information Kiosk is **NOT** working at this time, but Kern County Technicians are currently working on repairing it and don't have a date when repairs will be completed.

#### **FILMING: Ridgecrest Regional Film Commission**

##### **June**

##### **Bandito Brothers**

**Type of Filming:** Nissan Car Commercial

##### **Pretty Bird**

**Type of Filming:** Hyundai Car Commercial

##### **July**

##### **B Reel Films**

**Type of Filming:** Mercedes Car Commercial

##### **Lynn Campbell Productions**

**Type of Filming:** Verizon Still Photo Shoot

See next page

**Inyokern Airport:**

**June**

**Shooterz**

**Type of Filming:** Ford Car Commercial

**Doganis**

**Type of Filming:** AMCI Still Photo Shoot

**July**

**B Reel Films**

**Type of Filming:** Mercedes Car Commercial

**Bandito Brothers**

**Type of Filming:** Acura Car Commercial

**Total Revenue Generated for June & July 2014: \$ 1,280,000.00**

Next Board of Director's meeting will be Wednesday, September 3, 2014, location to be determined.

## Update - 2014 Streets Projects 8-20-14

### Street Construction Projects

- 1. W. Ridgecrest Blvd. reconstruction**
  - a. Paved from Mahan to Norma
  - b. Working on Utilities from Alvord to S. China Lake Blvd.
  - c. Asphalt removal begins Thursday from Norma to China Lake Blvd
  - d. Right – A-Way Acquisition at Downs Intersection
- 2. S. Sunland Street construction- Upjohn Ave to Bowman Rd.**
  - a. Grading started 7-30-14
- 3. S. Sunland Street reconstruction - E. Ridgecrest Blvd. to Upjohn Ave.**
  - a. Paving complete
  - b. Signing and striping ongoing this week
- 4. S. China Lake Blvd. overlay, Upjohn Ave. to Bowman Rd.**
  - a. Out for advertising in the next two weeks
  - b. Construction to be completed by November
- 5. Gateway Blvd. overlay, Bowman Rd. to Upjohn Ave.**
  - a. In design
- 6. N. Mahan St. overlay, Ward Ave. to Graaf Ave.**
  - a. In design
- 7. City Alley Way - 5-7 All TAB projects designed and going out to bid as a complete project**
- 8. Safe Routes to School Projects, Bid Opening on August 12, 2014**
  - a. Street improvements around Las Flores Elementary,
  - b. Street improvements around Gateway Elementary,
  - c. Street improvements around Monroe Middle School,
- 9. Traffic signal construction at Upjohn and China Lake Blvd - Completed**
- 10. Seven micro paving projects – Spring 2014 Completed**
  - a. Las Flores, Norma to Downs
  - b. Downs Street, Bataan to Bowman
  - c. Drummond, Downs to Norma
  - d. Dolphin, Mahan to Downs
  - e. Norma, Las Flores to Drummond, Capeseal

- f. **Gold Canyon Rd., Benson to Hayden**
  - g. **Downs, China Lk. Blvd. to Dolphin, Capeseal**
- 11. Seven Micro Surfacing in **Fall of 2014****
- a. **Downs Street – Ridgecrest Blvd to Las Flores Ave.**
  - b. **Downs Street – Las Flores Ave to Drummond Ave.**
  - c. **Las Flores Ave. – Downs Ave. to Norma Ave.**
  - d. **Upjohn Ave – Mahan Ave. to Downs Ave.**
  - e. **Upjohn Ave – Mahan Ave. to Guam Ave.**
  - f. **Downs Ave. – Bowman Ave to Upjohn Ave.**
  - g. **Dolphin Ave. – Mahan Ave to Downs Ave.**

### **Design Projects**

- 1. S. China Lake Blvd. overlay, Bowman Rd. to College Hts.**
  - a. Awarded to Willdan for design and construction Management
  - b. Notice to Proceed issued 8/1/14
- 2. Downs Street, construction, Upjohn Ave. to W. Ridgecrest Blvd.**
  - a. 95 % Design Complete
- 3. Traffic signal synchronization between Ridgecrest Blvd. & College Hts.**
  - a. Request for Authorization is at Caltrans Headquarters in Sacramento for Construction
- 4. Traffic signal at Bowman Rd. and China Lake Blvd.**
  - a. 85 % Design Complete
- 5. Drummond Ave. widening, between Inyo St. and Downs St.**
  - a. Right of Way and Environmental
  - b. 85 % Design Complete
- 6. Seven traffic signal upgrades**
  - a. Request for Proposal for Construction Management due on August 25 @ 5:00 pm.
- 7. Twelve stop intersections signage and street markings**
  - a. Request for Proposal for Construction Management due on August 25 @ 5:00 pm.
- 8. N. Warner Street – Drummond Avenue to West Howell Avenue**
  - a. Awarded to Quad Knopf for design and construction Management
  - b. Notice to Proceed issued 8/1/14
- 9. South Graaf Street – North Sierra View to Norma Ave.**
  - a. Request for Proposals out to Consultants – due back on

## **Proposed Projects**

- 1. Richmond Street Bike Path.**
- 2. ADA Transition Plan/ADA Ramps – Working with CDBG to get schedules ready and Agreements done to be sent before City Council and Board of Supervisors.**

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflicts Of Interest

**PRESENTED BY:**

Keith Lemieux – City Attorney

**SUMMARY:**

The Political Reform Act, Government Code Section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, division 6, Section 18730 (hereinafter "CCR 18730"), which contains the terms of a standard conflict of interest code

This ordinance amends Section 2-8.102 of the Ridgecrest Municipal Code and reinforces the employee and elected classifications required to file disclosure information with the FPPC.

The ordinance is brought forward today for introduction and first reading and requires the following two motions:

1. *Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflicts Of Interest.*

**Requires a second**

2. *Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflicts Of Interest.*

**Requires a second**

**FISCAL IMPACT:**

No Fiscal Impact

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve the aforementioned motions

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: approve two motions as listed above.

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST  
AMENDING THE RIDGECREST MUNICIPAL CODE  
AS IT RELATES TO CONFLICTS OF INTEREST**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:**

**Section 1. Purpose.**

This ordinance amends Section 2-8.102 of the Ridgecrest Municipal Code.

**Section 2. Amendment.**

Section 2-8.102 of the Ridgecrest Municipal Code is amended and reenacted to read as follows:

**"2-8.102. - Conflicts of Interest**

(a) The Political Reform Act, Government Code Section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, division 6, Section 18730 (hereinafter "CCR 18730"), which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and along with the list of designated individuals in which members and employees are designated and disclosure categories are set forth constitute the conflict of interest code of City of Ridgecrest.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the Directors, the agency shall make and retain a copy and forward the original of these statements to the Clerk of the Board of Supervisors. The original statements for all other designated employees will be retained by the agency.

(b) The following categories are established for the purpose of conflicts of interest disclosure:

Category 1. Persons in this category shall disclose all investments, business positions and sources of income, including gifts, loans and travel payments.

Category 2. Persons in this category shall disclose all interests in real property within the City's jurisdiction. The definition of "interests in real property," as used herein, can be found in the Political Reform Act. (See Government Code Section 82033.)

Category 3. Persons in this category shall disclose all income (including gifts, travel payments and loans) from investments in and business positions with business sources that provide leased facilities, manufacture, provide or sell services (including consulting

and training services) and/or supplies (including goods, equipment, vehicles or machinery) of a type utilized by the City and associated with the job assignment of designated positions assigned this disclosure category. The definitions for "income and gift," as used herein, can be found in the Political Reform Act. (See Government Code Section 82028 and 82034.)

Category 4. Persons in this category shall disclose all investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the City and associated with the job assignment of designated positions assigned this disclosure category.

(c) The following employees, hereinafter "designated employees," shall file disclosure statements for all categories of disclosure:

Chief of Police

City Clerk

Community and Economic Development Director

~~Parks and Recreation Director~~ Recreation Supervisor

Public Works Director

~~Engineering Manager~~ City Engineer

~~Lieutenants~~ Captains

Support Services Manager

Public Works Supervisor

Wastewater Treatment Supervisor

Chief Building Official

Building Inspector(s)

Associate Planner

Assistant Planner

Planning Technician

City Manager

Oversight Board members

City council members

Elected Mayor

Administrative Services Director

City Planner

And all designated employees appointed on interim or temporary duty for these listed positions.

(d) Consultants shall file conflict of interest disclosure statements for categories of disclosure affected by the consultant's work as determined by the City Manager. As used herein, the term "consultants" refers to persons identified as consultants under the regulations of the Fair Political Practices Commission. The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code."

**Section 3. Other.**

This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published as set forth below.

At least five (5) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and public locations in the City; and a notice shall be published once in a newspaper of general circulation in the City of Ridgecrest, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted. Within fifteen (15) days following final adoption, a summary of the Ordinance with the names of the council members and votes shall be published in a newspaper of general circulation.

Introduced and first read at a meeting of the City Council of the City of Ridgecrest held the \_\_\_\_\_ day of August, 2014.

**PASSED AND ADOPTED** at a regular meeting of said City Council held on \_\_\_\_\_, 2014, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Dan Clark, Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, City Clerk

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